

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	File No. EB-08-TC-4011
	)	
Global 1 Touch, LLC	)	NAL/ Acct. No. 200932170420
	)	
Apparent Liability for Forfeiture	)	FRN No. 0018509190
<hr/>		

*PUBLIC[REDACTED] VERSION*

Response of Global 1 Touch, LLC  
To  
Notice of Apparent Liability for Forfeiture

Jonathan S. Marashlian, Esq.  
Catherine M. Hannan, Esq.  
Helein & Marashlian, LLC  
1483 Chain Bridge Road, Suite 301  
McLean, Virginia 22101  
Tel: 703-714-1300  
Fax: 703-714-1313  
E-mail: [jsm@CommLawGroup.com](mailto:jsm@CommLawGroup.com)

March 25, 2009

## TABLE OF CONTENTS

	<u>Page</u>
SUMMARY.....	i
I. INTRODUCTION.....	1
II. THE “OMNIBUS” NAL IS A PROCEDURALLY INFIRM MEANS OF ASSESSING FORFEITURES FOR FAILURE TO COMPLY WITH FCC RULE SECTION 64.2009(e).....	2
A. An Omnibus NAL does not provide sufficient due process protections For Global 1 Touch or any of the other 665 entities listed in Omnibus NAL Appendix I.....	2
B. The Generic Conclusions Set Forth In the Omnibus NAL Are Impermissibly Broad and Inconsistent with the Underlying Purposes of Section 222 and the Commission’s CPNI Rules.....	11
1. The Enforcement Bureau Erred by Failing to Consider the Congressional Intent Underlying Section 222 and the History Of the FCC’s CPNI Rules.....	11
2. The Enforcement Bureau Erred By Imposing §64.2009(e) Liability Upon Entities Which Have No Access to CPNI.....	15
III. THE ENFORCEMENT BUREAU IS PRECLUDED AS A MATTER OF LAW FROM IMPOSING LIABILITY UPON GLOBAL 1 TOUCH STEMMING FROM SECTION 64.2009(e).....	20
IV. GLOBAL 1 TOUCH HAS NOT VIOLATED SECTION 222 OF THE ACT, §64.2009(e) OF THE COMMISSION’S RULES OR THE <i>EPIC</i> <i>CPNI ORDER</i> .....	24
V. APPLICATION OF THE FACTORS SET FORTH IN THE FCC’S FORFEITURE POLICY STANDARDS MANDATE THE CANCELLA- TION OF THE OMNIBUS NAL AGAINST GLOBAL 1 TOUCH.....	25
VI. GLOBAL 1 TOUCH WILL SUFFER FINANCIAL HARDSHIP UNLESS THE APPARENT FORFEITURE IS CANCELLED IN ITS ENTIRETY...	29
CONCLUSION.....	31

## SUMMARY

Global 1 Touch, LLC ("GOT" or the "Company"), by undersigned counsel, hereby responds to the Notice of Apparent Liability for forfeiture ("Omnibus NAL") released by the Chief, Federal Communications Commission, Enforcement Bureau, on February 24, 2009. The Omnibus NAL incorporates the above-captioned EB File Number. Through the Omnibus NAL, the Enforcement Bureau lumps GOT in with more than 600 other entities, each of which is accused of failure to comply, in varying degrees of breach, with the dictates of FCC Rule Section 64.2009(e). Each of the 666 entities listed in Appendix I of Omnibus NAL, including GOT, is tentatively fined a forfeiture in the amount of \$20,000 for these supposed breaches. As demonstrated by GOT herein, use of this "omnibus" vehicle to potentially expose more than 600 separate companies to an identical forfeiture, when neither the circumstances applicable to each -- nor the defenses available to each -- could possibly be identical, demonstrates a serious disregard by the Enforcement Bureau of Commission policy and precedent. Use of an "omnibus" NAL in the present circumstances also deprives each of the Appendix I companies of the full measure of due process which the Agency must provide. This deprivation of rights is particularly egregious with respect to any of the 666 Appendix I companies which, like GOT, are not subject to the §64.2009(e) filing obligation.

Inasmuch as every entity listed on Appendix 1 to the Omnibus NAL has been purportedly contacted by the Enforcement Bureau pursuant to a separate EB File Number, GOT is not privy to the facts and circumstances involved in the remaining 665 cases. With respect to its own situation, however, GOT respectfully submits that the totality of the circumstances, which the Bureau is bound by rule and precedent to consider, militate against the imposition of a forfeiture against the Company in any amount. Indeed, in light of the inapplicability of the §64.2009(e) filing obligation to GOT, cancellation in full of the proposed forfeiture is mandatory. Accordingly, GOT hereby

respectfully requests that the tentative forfeiture against it pursuant to EB File No. 08-TC-4011 be cancelled in its entirety.

As demonstrated below, GOT has filed the annual CPNI officer's certification required of certain companies by Rule Section 64.2009(e) for both calendar year 2007(the focus of the Omnibus NAL) and calendar year 2008. It has done so on a continually voluntary basis for the precise purpose of preventing any detrimental action – such as imposition of a forfeiture – by the Enforcement Bureau. Additionally, the Company has also fully cooperated with the Enforcement Bureau's inquiry into the relevant circumstances of the 2007 §64.2009(e) filing, explaining more than six months ago the reasons why §64.2009(e) does not apply to GOT. Furthermore, throughout calendar years 2007 and 2008 the Company experienced zero attempts by data brokers to access customer CPNI. Likewise, the Company has received zero customer complaints regarding improper use or disclosure of CPNI. Thus, even if GOT were within the class of entities required to file a §64.2009(e) annual officer's CPNI Certification (which, as demonstrated herein, it is not), GOT has caused no harm to the FCC's CPNI policies; nor has the Company damaged any individual through misuse or inadvertent disclosure of CPNI, irrespective of whether an annual officer's certification reached the FCC before or after March 1, 2008. In light of the above, the Enforcement Bureau must cancel the proposed forfeiture against GOT in its entirety, or at the very minimum reduce the forfeiture to a mere admonishment.

For all the above reasons, GOT respectfully requests that the Enforcement Bureau dismiss the NAL in its entirety as to Global 1 Touch, terminate proceeding File No. EB-08-TC-4011 and cancel the \$20,000 proposed forfeiture against GOT.

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	File No. EB-08-TC-4011
	)	
Global 1 Touch, LLC	)	NAL/Acct. No. 200932170420
	)	
Apparent Liability for Forfeiture	)	FRN No. 0018509190

---

*PUBLIC[REDACTED] VERSION*

Response of Global 1 Touch, LLC  
To  
Notice of Apparent Liability for Forfeiture

**I. INTRODUCTION.**

Global 1 Touch, LLC ("GOT" or the "Company"), by undersigned counsel, hereby responds to the Omnibus Notice of Apparent Liability ("Omnibus NAL") for Forfeiture released by the Chief, Federal Communications Commission, Enforcement Bureau, incorporating in the above-captioned File Number, as well as 665 other discrete matters, on February 24, 2009. In filing this Response to the Omnibus NAL, GOT does not acquiesce to the procedural ability of the Enforcement Bureau to proceed against the Company by means of an "omnibus" NAL which lumps the Company in with more than 600 other entities. Each of the "Appendix I Companies"<sup>1</sup> is of necessity uniquely impacted by its own circumstances, and each is entitled to fair consideration of those circumstances by the Enforcement Bureau both prior to issuance of a notice of apparent liability and prior to the issuance of any ultimate determination as to the appropriateness of a proposed forfeiture -- after each Respondent has availed itself of the opportunity to respond fully to the specific allegations raised in an NAL.<sup>2</sup>

---

<sup>1</sup> In the Matter of Annual CPNI Certification Omnibus Notice of Apparent Liability, File No. See Appendix A (Feb. 24, 2009) ("Omnibus NAL"), ¶ 1.

<sup>2</sup> 47 C.F.R. §1.80(f).

Accordingly, GOT will first address the procedural infirmities associated with the Enforcement Bureau's choice of proceeding by means of an "omnibus" NAL. GOT will thereafter respond to the general allegations raised against itself and the 665 other "Appendix I" companies through the Omnibus NAL. As explained more fully herein, the Enforcement Bureau's conclusions that GOT violated any Commission rule are erroneous and must be rescinded; the proposed forfeiture against GOT must be cancelled in its entirety. For the reasons more fully set forth below, GOT respectfully requests that the Enforcement Bureau dismiss the Omnibus NAL as to Global 1 Touch, terminate proceeding File No. EB-08-TG-4011 and cancel in its entirety the proposed \$20,000 forfeiture against GOT.

**II. THE "OMNIBUS" NAL IS A PROCEDURALLY INFIRM MEANS OF ASSESSING FORFEITURES FOR FAILURE TO COMPLY WITH FCC RULE SECTION 64.2009(e).**

**A. An Omnibus NAL does not provide sufficient due process protections For Global 1 Touch or any of the other 665 entities listed in Omnibus NAL Appendix I**

As an official agency of the United States government, the FCC is bound to adhere to fundamental principles of due process. The Enforcement Bureau, acting according to delegated authority as it does here, is likewise constrained. The Supreme Court has held that

"Due process, unlike some legal rules, is not a technical concept unrelated to time, place and circumstances. Due process is flexible and calls for such procedure protections as the situation demands."<sup>3</sup>

Furthermore,

"[I]t is incumbent upon agencies to follow their own procedures. This is so even where the internal procedures are possibly more rigorous than otherwise would be required."<sup>4</sup>

The existing procedures of the FCC do not contemplate an omnibus NAL proceeding in which the Enforcement Bureau attempts to justify the *bona fides* of imposing 666 separate forfeitures,

---

<sup>3</sup> Matthews v. Eldridge, 424 U.S. 319 (1976).

<sup>4</sup> United States v. Caceres, 440 U.S. 741, 751 (1979).

based upon 666 separate sets of facts and circumstances, against 666 diverse entities – each of which will have widely varying defenses to the allegations raised. And the Enforcement Bureau’s reminder to each of the 666 Appendix I companies to the effect that each “will have the opportunity to submit further evidence and arguments in response to this NAL”<sup>5</sup> does not cure the due process shortcomings caused by its choice to proceed by means of a flawed, albeit expedient, “omnibus” document.

The instant Omnibus NAL takes more than 23 pages to do nothing more than list, at Appendix I, name after name of the entities subject to the Omnibus NAL. The Omnibus NAL itself, however, provides a mere 4 sentences which purportedly advise this 23 pages of companies what each has done to warrant a \$20,000 forfeiture:

“In this Omnibus Notice of Apparent Liability for Forfeiture (‘NAL’), we find that the companies listed in Appendix I of this Order (‘the Companies’), by failing to submit an annual customer proprietary network information (‘CPNI’) compliance certificate, have apparently willfully or repeatedly violated section 222 of the Communications Act of 1934, as amended (the ‘Act’), section 64.2009(e) of the Commission’s rules and the Commission’s *Epic CPNI Order*. . . . The companies failed to comply with the annual certification filing requirement and did not file compliance certifications on or before March 1, 2008, for the 2007 calendar year. . . . Each of the Companies failed to submit satisfactory evidence of their timely filing of their annual CPNI certifications. The Bureau has determined that as a result of the Companies’ failure to file annual CPNI certifications, the Companies are in apparent violation of section 222 of the Act, section 64.2009(e) of the Commission’s rules, and the Commission’s *EPIC CPNI Order*.”<sup>6</sup>

Indeed, the totality of the Omnibus NAL consists of a mere 17 paragraphs; 7 of these do nothing more than recite standard ordering paragraph language advising the 666 potentially affected companies the date upon which and to whom payment of the \$20,000 forfeiture should be made. In the remaining 10 paragraphs, the Enforcement Bureau provides a scant 2 paragraphs of

---

<sup>5</sup> Omnibus NAL, ¶ 1.

<sup>6</sup> *Id.*, ¶¶ 1, 4.

background on the FCC's CPNI proceeding (which has spanned more than 13 years) and a single paragraph entitled "discussion" which imposes the 666 lock-step forfeitures.<sup>7</sup>

GOT respectfully submits that issuance of this single NAL is unlikely to instill in the 666 Appendix I companies a sense that their respective information responses to the Enforcement Bureau were adequately considered by Staff prior to issuance of the Omnibus NAL.<sup>8</sup> Nor does the situation now confronting the Enforcement Bureau – the necessity of analyzing and considering the various facts and circumstances presented by perhaps as many as 666 Responses to NAL – instill confidence that the Enforcement Bureau has manpower resources sufficient to give those NAL Responses anything other than the short-shrift treatment which Appendix I companies have apparently experienced up to this point.

The Enforcement Bureau's choice to proceed by means of an "omnibus" notice of apparent liability is irreconcilable with the FCC's historic commitment to "protect[] the public and ensure[] the availability of reliable, affordable communications" by considering the totality of the circumstances<sup>9</sup> and by assessing the degree of harm which has actually resulted from a perceived

---

<sup>7</sup> The Omnibus NAL makes abundantly clear that the rich and full history of the CPNI proceeding as a whole has been almost completely ignored, as has the Enforcement Bureau's ethical obligation to diligently investigate matters prior to exercising its enforcement authority.

<sup>8</sup> As noted earlier, GOT provided all information necessary to the Enforcement Bureau's consideration of relevant issues more than six months ago. GOT's submission, along with the Company's 2007 annual Officer's Certification, are appended hereto as Exhibit A. GOT's position is very clearly set forth in that explanatory response; in light of those relevant facts GOT should not have been included within the universe of entities subject to a \$20,000 forfeiture with respect to §64.2009(e). Indeed, had the Enforcement Bureau followed up its initial information request, GOT would have gladly provided the further elaboration, set forth at Sections III and IV following. Got would certainly have preferred the opportunity to provided this elaboration, had the Enforcement Bureau deemed it necessary, *prior to* rather than *after* issuance of an NAL.

<sup>9</sup> See, e.g., U.S. v. Neely, --- F.Supp. 29---, 2009, WL 258886 (January 29, 2009) ("Flexibility to review the totality of circumstances" [is] "reflected in precedent and retained by the FCC in its forfeiture guidelines.")



rule violation.<sup>10</sup> This omnibus decisional mechanism is also inconsistent with the FCC's enunciated policy expressed in the *Forfeiture Policy Statement* that it will continue to exercise its "discretion to look at the individual facts and circumstances surrounding a particular violation."<sup>11</sup> It is equally inconsistent with the Small Business Regulatory Enforcement Fairness Act's principle (with which the FCC states its forfeiture rules are in accord) that "warnings, rather than forfeitures . . . may be appropriate in cases involving small businesses".<sup>12</sup> It is further inconsistent with the Commission's "general practice to issue warnings with first time violators . . . this type of violator would receive a forfeiture only after it has violated the Act or rules despite prior warning."<sup>13</sup>

This shift away from Commission precedent as embodied in the *Forfeiture Guidelines Report and Order* and toward the issuance of "omnibus NALs" appears to be of very recent origin. The only other example of an attempt to utilize an "omnibus" proceeding to subject multiple unrelated entities to summary liability appears to be Former Chairman Martin's recent *Omnibus NAL Against Various Companies for Apparent Violations of the Commission's DTV Consumer Education Requirements*.

---

<sup>10</sup> In the Matter of the Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, *Report and Order*, CI Docket No. 95-6, FCC 97-218, ("Forfeiture Policy Statement"), ¶ 20.

<sup>11</sup> Id., ¶ 6.

<sup>12</sup> Id., ¶ 51. GOT, and certainly a number of the other 665 Appendix I companies, satisfies the statutory definition of "small business" ("The SBA has defined a small business for Standard Industrial Classification (SIC) categories for interexchange carriers, toll resellers and prepaid calling card providers of "small if it has 1,500 or fewer employees". In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services, *Report and Order and Further Notice of Proposed Rulemaking*, FCC Rcd. 11275 (2007) ("*IP-Enabled Report and Order*"), ¶¶ 100, 102, 104.)

<sup>13</sup> Id., ¶ 23. Inasmuch as the annual certification filing set forth in §64.2009(e) was only effective for the first time as of the March 1, 2008 filing, every company impacted by the Omnibus NAL falls within the category of entities which, according to continuing Commission practice, should be subject to no more than a warning here.

Originally scheduled for consideration at the FCC's December 12, 2008 Open Meeting (ultimately cancelled), that omnibus NAL was never considered by the Commission.<sup>14</sup>

The Omnibus NAL informs the Appendix I companies that in order to avoid the ripening of the proposed forfeiture into an enforceable debt collectible through government process, "each of the Companies listed in Appendix I" . . . must file "a written statement seeking reduction or cancellation of the proposed forfeiture."<sup>15</sup> Pursuant to FCC Rule §1.80, companies caught up in the Omnibus NAL must take this action within 30 days of the issuance of the Omnibus NAL, *i.e.*, no later than March 26, 2009 (a mere 10 days following the date upon which affected carriers were required to complete the FCC's newly expanded Form 477 filing utilizing, for the first time, the FCC's newly developed on-line filing system, and a mere 5 days prior to the FCC's annual Form 499-A filing).<sup>16</sup> FCC rules also ensure GOT's right to petition for reconsideration of any NAL decision which may be issued following the Enforcement Bureau's consideration of the facts set

---

<sup>14</sup> Indeed, the FCC's historic use of any sort of an "omnibus" proceeding has been sparse, to say the least. To Respondent's knowledge, these few departures from a more individualized consideration of facts have not been utilized by the Agency to accomplish a purpose so broad (or so financially detrimental) as the instant NAL, which seeks to impose a significant financial forfeiture on 666 separate entities. (*See, e.g.*, In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chariton, Bloomfield, and Mecher, Iowa), MM Docket No. 89-264, 1992) (omnibus notice of proposed rulemaking); In the Matter of Review of the Technical Assignment Criteria for the AM Broadcast Services, MM Docket No. 87-267 (1990) (omnibus notice of inquiry); In the Matter of Amendments of Part 73 of the Rules to Provide for an Additional FM State Class (Class C3) and to Increase the Maximum Transmitting Power for Class A FM Stations, MM docket No. 88-357 (1989) (omnibus notice); In the matter of Amendment of the Commission's rules Regarding the Modification of FM and Television Station Licensee, MM Docket No. 83-1148 (1984) (omnibus notice); and In the Matter of Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, BC Docket No. 80-90 (1984) (omnibus notice).

<sup>15</sup> Omnibus NAL, ¶ 13.

<sup>16</sup> 47 C.F.R. § 1.80. This timing is most unfortunate, requiring respondent entities to take away much-needed resources from these other administrative functions; it is perhaps unavoidable, however, given that the FCC's NAL rules would have prevented the issuance of an NAL against any entity (even one which might have no defenses available to the allegations) if the Enforcement Bureau had delayed even a few days longer before issuing the Omnibus NAL. *See, e.g.*, 47 U.S.C. §503(b)(6) ("No forfeiture penalty shall be determined or imposed against any person under this subsection if . . . the violation charged occurred more than one year prior to the date of issuance of the . . . notice of apparent liability.")

forth in this Response and, if necessary, to seek further vindication of its rights before the courts.<sup>17</sup>

GOT is confident that these further actions will not become necessary.

Unfortunately for the Enforcement Bureau, however, the bare existence of continuing rights to press for a legitimate factual and equitable review of circumstances at a later date cannot diminish the negative impact of the Omnibus NAL upon the Appendix I companies, required in the here-and-now to respond to allegations which should never have been raised in the first place:

“[L]ong-settled principles that rules promulgated by a federal agency, which regulate the rights and interests of others [must be] ‘premised on fundamental notions of fair play underlie the concept of due process.’”<sup>18</sup>

Such fundamental notions of fair play are not present within the context of the Omnibus NAL, for as the United States Court of Appeals for the District of Columbia Circuit has noted, “the mere existence of a safety valve does not cure an irrational rule”.<sup>19</sup> The mere possibility that GOT will ultimately be vindicated at some future date cannot offset the impact of the Hobson’s Choice confronting it today: the need to expend manpower and financial resources to defend itself against the ill-considered, cookie-cutter allegations set forth in the Omnibus NAL vs. the certainty of financial harm (and FCC “red-lighting”) if no defense is mounted.<sup>20</sup>

As the Enforcement Bureau is aware,

---

<sup>17</sup> Furthermore, because the instant Response incorporates a financial hardship claim, it is without question that Staff’s review of GOT’s Response to the Omnibus NAL must be resolved on an individual basis pursuant to FCC Rule §503(b)(2)(D). Staff may not attempt a wholesale resolution of this matter by means of a similarly flawed “omnibus” Memorandum Opinion and Order. See *Forfeiture Policy Statement*, ¶ 43.

<sup>18</sup> *Montilla v. I.N.S.*, 926 F.2d 162, 166-167 (2<sup>nd</sup> Cir. 1991).

<sup>19</sup> See *Icore, Inc. v. FCC*, 985 F.2d 1075, 1080 (D.C. Cir. 1993); *ALLTEL Corp. v. FCC*, 838 F.2d 551, 561 (D.C. Cir. 1988).

<sup>20</sup> Indeed, GOT is keenly aware – as should be the Enforcement Bureau -- that the harm would be all the more severe in the case of a small entity caught up in Appendix I which is presently without sufficient funds to mount the required defense within the 30-day filing window. The necessity of filing the instant Response is severely impacting GOT’s financial situation, yet the pendency of the Omnibus NAL ensures that the Company has no realistic opportunity to do otherwise.

“While agency expertise deserves deference, it deserves deference only when it is exercised; no deference is due when an agency has stopped shy of carefully considering the disputed facts.’ Cities of Carlisle and Neola, 741 F.2d at 443.”<sup>21</sup>

And as more fully explained infra., the Enforcement Bureau clearly failed to consider the disputed facts explained by GOT in its LOI response more than six months ago. Thus, wholly apart from its unexplained departure from Commission precedent (which would have resulted in nothing more than a warning to GOT and the 665 other entities named in Appendix I) the Enforcement Bureau has failed to satisfactorily perform the type of investigation upon which a proposed forfeiture might withstand due process scrutiny. The due process concerns presented by the Omnibus NAL, however, do not end there.

As the Omnibus NAL notes, “[t]he Bureau sent Letters of Inquiry (‘LOIs’) to the Companies asking them to provide copies and evidence of their annual CPNI filings.”<sup>22</sup> GOT is aware, and the Enforcement Bureau’s own records will corroborate, that numerous companies in addition to the 666 listed in Appendix I received such Letters of Inquiry. These individual entity responses to the Enforcement Bureau’s Letters of Inquiry are not the subject of any “restricted” proceeding; nor are they subject to any confidentiality restrictions which the parties themselves have not voluntarily imposed.

The FCC’s NAL rules presuppose a single-party action (rather than an “omnibus” proceeding”);<sup>23</sup> thus, those very rules preclude GOT from participating in any of the 665 other Enforcement Files of the companies listed in the Appendix I. GOT is nonetheless aware, however, through the non-confidential flow of information among industry parties, that certain entities which provided responses to the Enforcement Bureau’s Letters of Inquiry have not been named in Appendix I – and therefore are not presently facing forfeiture. This, even though certain of these

<sup>21</sup> Achernar Broadcasting Co. v. FCC, 62 F.3d 1441, 1447 (1995).

<sup>22</sup> Omnibus NAL, ¶ 4.

<sup>23</sup> See FCC Rule §1.80(f), every sub-element of which speaks to an NAL against a single respondent.

parties provided explanatory statements to the Enforcement Bureau which were identical in circumstance and defense to those expressed in LOI responses provided by other entities which *are* presently facing a \$20,000 forfeiture as a result of the Omnibus NAL.

This is a clear example of the impropriety of proceeding via an “omnibus” NAL. “[T]he Commission’s dissimilar treatment of evidently identical cases . . . seems the quintessence of arbitrariness and caprice.”<sup>24</sup> And “[i]f the agency makes an exception in one case, then it must either make an exception in a similar case or point to a relevant distinction between the two cases.”<sup>25</sup> Putting the best face on this dissimilarity of treatment of similarly-situated regulated entities, GOT will acknowledge that the sheer magnitude of effort required for the Enforcement Bureau to adequately analyze every response it received to its mammoth LOI undertaking must have been immense. Perhaps, then, no intentional dissimilarity of treatment or result was actually intended by the Enforcement Bureau.

The LOIs went out to companies in September, 2008. Between then and the adoption and release of the Omnibus NAL on February 24, 2009, the Enforcement Bureau had approximately 180 days to receive in the informational responses, sit down and carefully analyze each one, consider the forfeiture policy factors as those factors would apply to each individual respondent’s circumstances, and then determine whether a forfeiture would be appropriate. Only after making such a determination would the Enforcement Bureau proceed to assign an appropriate forfeiture amount to each individual circumstance deemed to warrant forfeiture.<sup>26</sup>

As noted above, it is a matter of industry knowledge that certain entities which received an LOI from the Enforcement Bureau have not been named in the Omnibus NAL. It is logical to

---

<sup>24</sup> Colo. Interstate Gas Co. v. FERC, 850 F.2d 769, 774 (D.C. Cir. 1988).

<sup>25</sup> NLRB v. Washington Star Co., 7323 F.2d 974, 977 (D.C. Cir. 1984).

<sup>26</sup> GOT notes that the uniform imposition of \$20,000 on each of the 666 Appendix I companies does not, on its face, appear to be the result of deliberate, individual forfeiture determinations by Staff.

assume that such entities provided informational responses to their respective LOIs, and that following review the Enforcement Bureau determined forfeiture not to be appropriate. Potentially then, the Enforcement Bureau may have been required to undertake this individualized assessment with respect to thousands of LOI responses. Assuming for the sake of argument, however, that the Enforcement Bureau only received LOI responses from those 666 entities listed on Appendix I, and further assuming those informational responses started to come in to the Enforcement Bureau immediately, Staff would have had to resolve at least three LOI responses each calendar day in favor of forfeiture. Limiting analysis to only days in which the FCC was open for business, that number would more closely approach 5-1/2 resolutions in favor of forfeiture every day. And, of course, the Omnibus NAL was not the Enforcement Bureau's only active proceeding during that six-month window, further limiting Staff's availability for review of LOI responses.

As articulated by the Supreme Court, an

"agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made. In reviewing that explanation, we must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment."<sup>27</sup>

Given the sheer magnitude of the effort necessary to hold 666 separate entities liable of rule violations severe enough to warrant the imposition of a forfeiture, it is a statistical certainty that errors have been made by the Enforcement Bureau in arriving at its Appendix I results. Indeed, the

---

<sup>27</sup> Motor Vehicle Mfrs. Assoc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983). The Supreme Court has further held that the agency decision "must not 'entirely fail[] to consider an important aspect of the problem,'" such as the circumstances more fully described in Section II.B.2 hereof. At present, neither the Enforcement Bureau nor the Commission as a whole has considered the unique difficulties facing prepaid telecommunications services providers such as GOT or other companies which as a result of their particular service models oftentimes have no access to CPNI; and neither have as yet officially recognized that any efforts to file a §64.2009(e) annual certification under those circumstances would represent nothing more than the type of "mere nullity" which runs contrary to law and FCC precedent.

public record itself confirms as much: in at least one case an Appendix I company, fined a potential \$20,000 forfeiture for failure to file a §64.2009(e) annual certification<sup>28</sup> was issued *on the very same day* a second NAL imposing an apparent forfeiture of \$6,000. In this second NAL, the Chief of the Enforcement Bureau admits, “[o]n January 3, 2008, [the company] filed its annual CPNI certificate with the Commission.”<sup>29</sup>

Through the instant Response to Omnibus NAL, GOT repeats for the Enforcement Bureau the relevant matters set forth in the Company’s response to the LOI six months ago. That information makes clear that imposition of a proposed forfeiture against GOT was inappropriate to begin with and must now be cancelled. Although an Enforcement Bureau decision canceling the proposed forfeiture would not eliminate the procedural infirmities and due process concerns raised by the Omnibus NAL, it would at least relieve Respondent from the specter of financial harm – harm which, as demonstrated in Section IV hereof, would severely impact the Company’s finances. Indeed, no logical correlation exists between the financial harm the Enforcement Bureau seeks to visit upon GOT and any harm caused to the FCC’s CPNI policies and consumer protection goals. In the instant case, such harm to CPNI policies and consumer protection goals is not merely negligible, it is nonexistent.

**B. The Generic Conclusions Set Forth In the Omnibus NAL Are Impermissibly Broad and Inconsistent with the Underlying Purposes of Section 222 and the Commission’s CPNI Rules**

**1. The Enforcement Bureau Erred by Failing to Consider the Congressional Intent Underlying Section 222 and the History Of the FCC’s CPNI Rules**

All 666 Appendix I companies are damaged by the Omnibus NAL’s cursory allegations because the Enforcement Bureau clearly has failed to consider the Congressional intent underlying

---

<sup>28</sup> Omnibus NAL, Appendix I, (“One Touch India, EB-08-TG-4014).

<sup>29</sup> In the Matter of One Touch India LLC Apparent Liability for Forfeiture, File No. EB-09-TG-137, (Feb. 24, 2009), ¶ 4.

Section 222 as a whole. Bearing these underlying purposes in mind is essential to reasoned decisionmaking here. Failure of the Enforcement Bureau to have done so renders the Omnibus NAL the precise form of “frenzied rhetorical excess” which “in light of the actual facts, appears to be so lacking in merit” and which “cannot but [be] view[ed] with considerable suspicion.”<sup>30</sup>

The FCC’s CPNI proceeding was opened in 1996 “to implement section 222 of the Act, which governs *carriers’ use and disclosure of CPNI*.”<sup>31</sup> Prior to that time, however, CPNI-like regulations did exist and were applicable to only a small universe of entities – those deemed most capable of the anticompetitive use of highly sensitive information to disadvantage competitors. Specifically, in its Computer II, Computer III, GTE ONA and BOC CPE Relief proceedings, “[t]he Commission . . . adopted . . . CPNI requirements . . . to protect independent enhanced service providers and CPE suppliers from discrimination by AT&T, the BOCS and GTE.”<sup>32</sup> Even these early CPNI-like regulations made a clear distinction between information which was deemed to pose no competitive threat (and, accordingly, the use of which was not restricted) -- aggregate data consisting of “anonymous, non-customer specific information.”<sup>33</sup> The FCC was particularly

“cognizant of the dangers . . . that incumbent LECs could use CPNI anticompetitively, for example, to: (1) use calling patterns to target potential long distance customers; (2) cross-sell to customers purchasing services necessary to use competitors’ offerings (e.g., attempt to sell voice mail service when a customer requests from the LEC the necessary underlying service, call forwarding-variable); (3) market to customers who call particular telephone numbers (e.g., prepare a list of customers who call the cable company to order pay-per-view movies for use in marketing the LEC’s own OVS or cable service); and (4) identify potential customers

---

<sup>30</sup> See WCWN Listeners Guild v. FCC, 610 F.2 838, 849 (1979).

<sup>31</sup> *Third Report and Order*, ¶ 5. Thus, from the very inception of Section 222, an entity such as GOT, which has no access to CPNI – and which by necessary implication can neither use nor disclose CPNI, has not constituted the type of entity with which the CPNI rules is concerned.

<sup>32</sup> In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as Amended, Second Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd. 8061 (1998) (“*Second Report and Order*”), ¶ 7.

<sup>33</sup> *Id.*, fnnt. 531.



for new services based on the volume of services already used (e.g., market its on-line service to all residential customers with a second line.”<sup>34</sup>

With the Telecommunications Act of 1996, “Congress . . . enacted section 222 to prevent consumer privacy protections from being inadvertently swept away along with the prior limits on competition.”<sup>35</sup> While a “fundamental objective” of Section 222 was “to protect from anti-competitive conduct carriers who, in order to provide telecommunications services to their own customers, have no choice but to reveal proprietary information to a competitor,”<sup>36</sup> the FCC also made explicitly clear a central concept from which it has never waived: CPNI must be protected because it “consists of highly personal information.”<sup>37</sup> Indeed, the FCC has confirmed that the presence of such individually identifiable information is the essential characteristic of CPNI:

“Aggregate customer information is defined separately from CPNI in section 222, and involves collective data ‘from which individual customer identities have been removed.’ . . . aggregate customer information does not involve personally identifiable information, as contrasted with CPNI.”<sup>38</sup>

---

<sup>34</sup> Id., ¶ 59.

<sup>35</sup> Id., ¶ 1. Even within the context of the earlier Computer II, Computer III, GTE ONA and BOC CPE proceedings, however, “CPNI requirements were in the public interest because they were intended to protect legitimate customer expectations of confidentiality regarding individually identifiable information.” In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carrier’s Use of Customer Proprietary Network Information, Notice of Proposed Rulemaking (“*CPNI NPRM*”), ¶ 12.

<sup>36</sup> In the Matter of Brighthouse Networks, LLC, et al, Complainants v. Verizon California, Inc., et. al, Defendants, Memorandum Opinion and Order, 23 FCC Rcd. 10704 (1998), ¶ 22. *See also*, In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Proprietary Network Information and other Customer Information; Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, As Amended, 2000 Biennial Regulatory Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers; Third Report and Order and Third Further Notice of Proposed Rulemaking, 17 FCC Rcd. 14860 (2002) (“*Third Report and Order*”), ¶ 131 (“We reaffirm our existing rule that a carrier executing a change for another carrier ‘is prohibited from using such information to attempt to change the subscriber’s decision to switch to another carrier.’”)

<sup>37</sup> Id., ¶ 61.

<sup>38</sup> Id., ¶ 143.

In 1998, the FCC identified

“[t]hree categories of customer information to which different privacy protections and carrier obligations apply – individually identifiable CPNI, aggregate customer information, and subscriber list information. . . . Aggregate customer and subscriber list information, unlike individually identifiable CPNI, involve customer information that is not private or sensitive . . .”<sup>39</sup>

Furthermore, the FCC has emphasized

“[t]he CPNI regulations in section 222 are largely consumer protection provisions that establish restrictions on carrier use and disclosure of personal customer information. . . . Where information is not sensitive, . . . the statute permits the free flow or dissemination of information beyond the existing customer-carrier relationship . . . . [W]here privacy of sensitive information is by definition *not* at stake, Congress expressly *required* carriers to provide such information to third parties on nondiscriminatory terms and conditions.”<sup>40</sup>

Yet even as it has admonished carriers that CPNI must be scrupulously protected, the FCC has never required them to take action which would be unnecessary to the Agency’s enunciated privacy protection goals. Indeed, the FCC has explicitly informed carriers that they need not comply with aspects of the CPNI rules in situations where such rules would have no logical effect; *i.e.*, where no danger of anticompetitive use of individually identifiable personal information is possible:

“Moreover, to the extent carriers do not choose to use CPNI for marketing purposes, or do not want to market new service categories, they do not need to comply with our approval or notice requirements.”<sup>41</sup>

Unlike the Enforcement Bureau’s attempt to impose the §64.2009(e) annual certification requirement upon all companies (regardless of whether any CPNI is possessed or used, and without regard to whether a company is subject to Title II<sup>42</sup>), the FCC’s exercise of restraint within the

---

<sup>40</sup> *Id.*, ¶ 3.

<sup>41</sup> *Id.*, ¶ 236.

<sup>42</sup> The only exercise of Title I ancillary jurisdiction noted in the *EPIC CPNI Order* apparently being the inclusion of providers of interconnected VoIP services within scope of 64.2009(e).

context of the CPNI approval and notice requirements constitutes a valid exercise of administrative authority which is consistent with the dictates of Lynch v. Tilden Produce Co. and its progeny.<sup>43</sup>

The FCC has stated that its CPNI rules represent “a careful balancing of harms, benefits, and governmental interests.”<sup>44</sup> And a review of the overall history of the CPNI proceeding reveals this to be the case. As Commissioner Robert McDowell has observed, “our rules should strike a careful balance and should also guard against imposing over-reaching and unnecessary requirements that could cause unjustified burdens and costs on carriers.”<sup>45</sup> The Omnibus NAL, unfortunately, because it focuses exclusively on a single aspect of a single rule sub-part without considering the fuller history and purposes of the CPNI rules, falls far short of achieving the type of balanced result that the FCC has always sought (and until the Omnibus NAL has achieved) with respect to the application of its CPNI rules.

## **2. The Enforcement Bureau Erred By Imposing §64.2009(e) Liability Upon Entities Which Have No Access to CPNI**

In the Omnibus NAL, the Enforcement Bureau places much emphasis upon Section 222’s “general duty on all carriers to protect the confidentiality of their subscribers’ proprietary information,”<sup>46</sup> going so far as to characterize “protection of CPNI” as “a fundamental obligation of all telecommunications carriers as provided by section 222 of the Act.”<sup>47</sup> GOT does not disagree that the protection of highly personal individual information may indeed be a fundamental obligation of all telecommunications carriers which actually possess such information. The Omnibus NAL altogether fails to consider – prior to imposing blanket liability upon 666 companies – whether those companies even pose a risk of CPNI disclosure (which they do not) and, if not,

---

<sup>43</sup> See Section IV, *infra*.

<sup>44</sup> *Third Report and Order*, ¶ 2.

<sup>45</sup> *IP-Enabled Report and Order* Statement of Commissioner Robert M. McDowell, p. 1.

<sup>46</sup> Omnibus NAL, ¶ 2.

<sup>47</sup> *Id.*, ¶ 1.

whether any logical basis can be found for requiring the filing of the 64.2009(e) annual certification (which there is not).

Specifically referencing the 2006 actions of “companies known as ‘data brokers’”<sup>48</sup> as a result of which in 2007 “the Commission strengthened its privacy rules with the release of the *EPIC CPNI Order*,”<sup>49</sup> the Enforcement Bureau identifies the sole focus of the Omnibus NAL – the single sub-element of §64.2009 which directs companies to file for the first time in March, 2008, an officer’s certification “explaining how its operating procedures ensure that it is or is not in compliance with the rules in th[e entire] subpart”<sup>50</sup> of §64.2009. In assessing identical forfeitures upon each of the 666 Appendix I companies<sup>51</sup> the Enforcement Bureau looks no farther than to determine whether an annual certification was filed (although forfeiture has also been imposed, apparently, for failure to file on or before the March 1, 2008 deadline). The inquiry which the Enforcement Bureau has not made – and one which is critical to its determinations – is whether any of these entities actually had an obligation to make that filing. In many cases, such as GOT’s, the answer to that question is a clear no:

Section 64.2009(a) deals with the implementation of a system which will establish a customer’s CPNI approval *prior to use*.<sup>52</sup> As noted above, the FCC has held that the CPNI rules relating to use of CPNI apply only to carriers which choose to use customer CPNI.<sup>53</sup> Section

---

<sup>48</sup> Id., ¶ 3.

<sup>49</sup> Id.

<sup>50</sup> As demonstrated in the following section, this requirement in and of itself is of particular concern to prepaid service providers (or any business model pursuant to which the provider does not have access to CPNI); a number of the FCC’s CPNI rules generally have no applicability to such a service model and the FCC has never suggested that it expects entities to undertake a regulatory action which would only be a nullity with respect to itself. See Section III, *infra*.

<sup>51</sup> At different points in the Omnibus NAL, the Enforcement Bureau bases such forfeiture upon the alternate, and inconsistent, theories of failure to file and also failure to file timely – certainly both situations cannot apply to a single entity; this is yet another example of why use of an Omnibus NAL was ill-considered.

<sup>52</sup> 47 C.F.R. §64.2009(a).

<sup>53</sup> See p. 14, *supra*.

64.2009(a) falls into the same category, *i.e.*, applicable only when CPNI will be *used*. Thus, a company like GOT, which does not have access to CPNI because its particular service model does not require such data, §64.2009(a) is a nullity and, as addressed in Section III following, is thus inapplicable to it.

Section 64.2009(b) directs carriers to train their personnel “as to when they are and are not authorized to use CPNI” and further demands the establishment of “an express disciplinary process in place.”<sup>54</sup> In the case of a company which does not have access to CPNI, there is need for neither training nor discipline. The reason is simple: without access to CPNI, there will never be a situation where CPNI use will be authorized and there will never be the necessity of disciplinary action since an employee cannot inadvertently reveal information which is not in his or her possession. Nonetheless, owing to the Enforcement Bureau’s near-fanatical approach to enforcement of §64.2009(e), the public record in EB Docket No. 06-36 demonstrates that numerous such companies have taken the purely superfluous steps of (i) developed training programs (which can do little more than educate employees concerning the operation and scope of the CPNI rules, since these employees will never come into access of individually identifiable customer CPNI) and (2) instituting a disciplinary process which will never need to be used. Like §64.2009(a), §64.2009(b) is also a nullity with respect to companies which do not have access to CPNI.

Likewise, §64.2009(c) deals with the retention of records of “all instances where CPNI was disclosed or provided to third parties, or where third parties were provided access to CPNI.”<sup>55</sup> Inasmuch as one cannot disclose or reveal information which it does not have, §64.2009(c) is also a nullity with respect to companies such as GOT.

---

<sup>54</sup> 47 C.F.R. §64.2009(b).

<sup>55</sup> 47 C.F.R. §64.2009(c).

Section 64.2009(d) deals with supervisory review of “outbound telemarketing situations.”<sup>56</sup> For any carrier which cannot identify individual customers from its internal information (the essence of “CPNI”), outbound telemarketing is not a possibility.<sup>57</sup> For example, GOT’s prepaid services may be utilized by any purchaser or authorized user to utilize GOT’s services from any phone; *i.e.*, any telephone number. GOT does not issue bills to purchasers and thus does not possess any CPNI which would ordinarily be contained in a presubscribed customer’s bill; GOT neither requires nor obtains an “address of record”; indeed, a purchaser of GOT’s services need not even supply his or her name at the point of purchase. Where outbound telemarketing is not a possibility, §64.2009(d) is a nullity.

And §64.2009(f), the only remaining sub-element other than the annual certification itself, directs carriers to provide written notice to the Commission “of any instance where the opt-out mechanisms do not work properly.” Here, again, customers have no need to “opt-out” when they have provided no individually identifiable CPNI to a carrier, and §64.2009(f) is a nullity in such circumstances.

Thus, for any company which by virtue of its particular service model does not have access to CPNI, the totality of §64.2009 has no practical application. And, as explained in Section III, the single filing obligation of the section, embodied in §64.2009(e), is of no effect against such an entity. To the extent any of the 666 Appendix I companies is within this category, whether it is a provider of prepaid services, a wholesale provider serving only other carriers, a provider of services utilizing exclusively LEC billing services, or which for any other reason does not have access to CPNI, the proposed forfeiture of the Omnibus NAL must be cancelled in its entirety.

---

<sup>56</sup> 47 C.F.R. §64.2009(d).

<sup>57</sup> Indeed, §64.2009(d) would have no application to any carrier which does not possess CPNI, such as providers of service on a purely wholesale basis to other carriers, or carriers which exclusively utilize LEC billing mechanisms [The FCC has held that BNA is *not* CPNI; *Second Report and Order*, ¶ 97 (“Unlike BNA, which only includes information necessary to the billing process, CPNI includes sensitive and personal information.”)]

The necessity of such cancellation is most clearly illustrated in the case of a prepaid services provider. As the Commission has noted, "to the extent CPNI is property, we agree that it is better understood as belonging to the customer, not the carrier"<sup>58</sup> and "the customer has the right to control when a carrier uses, discloses, or permits access to its CPNI."<sup>59</sup> Within the context of prepaid services, this ability of the customer to control use, disclosure and/or access to CPNI is absolute and inviolate. Purchasers and authorized users of prepaid calling cards effectively guarantee that their CPNI will not be subject to misuse or unintentional release because they do not provide CPNI to the prepaid provider.

The Common Carrier Bureau (now Wireline Competition) recognized a decade ago that provision of a prepaid calling card service is not an activity which will result in the passing to the carrier of the type of highly personal and, therefore sensitive, information with which the Commission's CPNI rules are concerned. Specifically, "[t]he Common Carrier Bureau determined that BellSouth's prepaid calling card did not violate section 271 because, *inter alia*, (1) the Card did not involve a continuing, presubscribed relationship that would allow BellSouth to gain meaningful information about Card purchasers. . . ."<sup>60</sup> The Bureau continued:

"In fact, under the circumstances of its Card offering, BellSouth gains little meaningful customer information about the purchasers and users of the Cards. To place calls with a Card, the customer need only purchase it from the sales outlet of her choice, dial the Card's service platform and enter the Card's unique access code . . . . Thus, the Card generally does not permit BellSouth to gather information such as the customer's identity and address; nor does it permit BellSouth to learn which carriers may provide the customer's local or other (particularly presubscribed) long-distance service."<sup>61</sup>

---

<sup>58</sup> *Second Report and Order*, ¶ 43.

<sup>59</sup> *Id.*, ¶183.

<sup>60</sup> See, e.g., *AT&T Corp. v. US West Communications, Inc.*, 16 FCC Rcd. 3574, fnnt 46, citing *AT&T Corp. v. BellSouth Corp. Memorandum Opinion and Order*, 14 FCC Rcd. 8515 (Com. Car. Bur. Mar. 30 1999)

<sup>61</sup> *Bureau Releases First Decision in Highly Successful "Rocket Docket" AT&T's Complaint Against BellSouth Denied*, 14 FCC Rcd. 8515, DA 99-609, Report No. 99-100 (March 30, 1999), ¶ 23.

And, as the Enforcement Bureau is aware,

“Section 222 (f)(1) defines CPNI as ‘information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service *subscribed to* by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship.’”<sup>62</sup>

Like purchasers of the BellSouth card described above, GOT’s customers do not “subscribe to” the Company’s services; they merely purchase those services, and do so without the need to provide any CPNI. Thereafter, GOT’s services may be utilized by the purchaser or any authorized user designated by the purchaser, and further, those services may be utilized from any telephone, by any authorized individual. A significant benefit to consumers of prepaid services is the convenience provided by the inherently mobile nature of the services and the ability of the purchaser to share the right to use the services with individuals of their choosing. Because of these two factors, all information which may be available to GOT as a result of its provision of service will always fall into the category of aggregate customer information because it does not involve personally identifiable information. Thus, a prepaid services provider such as GOT poses absolutely no risk to the achievement of the FCC’s CPNI policies and goals. To fine such an entity \$20,000 for failure to timely file a certification mandated by an FCC rule which has no application to it – especially when the Company advised the Enforcement Bureau of all the above facts a full six months prior to issuance of the Omnibus NAL – is clear error.

### III. THE ENFORCEMENT BUREAU IS PRECLUDED AS A MATTER OF LAW FROM IMPOSING LIABILITY UPON GLOBAL 1 TOUCH STEMMING FROM SECTION 64.2009(e)

As explained more fully below, GOT is not subject to the annual certification filing obligation of §64.2009(e). The Company does not have access to CPNI and thus is outside the scope of entities upon which the bulk of the FCC’s CPNI rules have any application.

---

<sup>62</sup> CPNI NPRM, ¶ 8.



Notwithstanding the inapplicability of the filing requirement, however, GOT responded promptly to the Enforcement Bureau's inquiry as to whether the Company had satisfied this inapplicable requirement. Furthermore, the Company undertook efforts -- unnecessary, wasteful of resources and of no enhancement to the FCC's policy of protecting highly personal consumer information from misuse or inadvertent release -- to thereafter satisfy the unreasonable expectation of the Enforcement Bureau that even companies not logically -- or legally -- subject to the filing requirement must nonetheless find some way to file. Thus, as an initial matter, the Omnibus NAL's generic conclusion that GOT "fail[ed] to submit an annual customer proprietary network information ('CPNI') compliance certificate"<sup>63</sup> is clearly erroneous and must be set aside.

It is also patently incorrect, as demonstrated in Section IV, supra, that GOT violated "section 222 of the Communications Act of 1934, as amended (the 'Act')"<sup>64</sup>. On the contrary, GOT's business model ensures to the point of absolute certainty that the Company is incapable of violating the confidentiality precepts embodied in Section 222 (and is not subject to the remainder of Section 222's requirements dealing with such matters as mandatory exchange of information among carriers to initiate service, directory publishing, etc.)

Finally, as to the sole remaining allegation of the Omnibus NAL, it is also clearly false that GOT has violated FCC rules by "not fil[ing] compliance certifications on or before March 1, 2008, for the 2007 calendar year."<sup>65</sup> As demonstrated below, GOT was not required to make this filing -- either before or after March 1, 2008, and any and all efforts undertaken by GOT to pacify the Enforcement Bureau through filings in Docket No. 06-36 have been made on a purely voluntary basis.

---

<sup>63</sup> Omnibus NAL, ¶ 1.

<sup>64</sup> Id., ¶4.

<sup>65</sup> Id.

Furthermore, prior to receipt of the LOI in September, 2008, there was no logical means by which GOT could have concluded that the Enforcement Bureau expected it to make the March 1, 2008 certification filing. Indeed, the public statements of the Enforcement Bureau up to that date actually led GOT (and apparently a number of the other 665 Appendix I companies) to the opposite conclusion. On January 29, 2008, the Enforcement Bureau released a Public Notice regarding the upcoming first application of §64.2009(e) which required the filing of the Annual Officers Certification and Policy Explanation with the Commission.<sup>66</sup> In that document, the Enforcement Bureau reiterated the purpose of the CPNI certification requirement – to strengthen the Commission’s existing privacy rules. Toward that end, the annual certification filing represented an additional “safeguard[] to provide CPNI against unauthorized access and disclosure.”<sup>67</sup> The Enforcement Bureau then specifically informed the public that the new requirement is applicable to “all companies subject to the CPNI rules.”<sup>68</sup> Thus, the Enforcement Bureau informed the entire telecommunications industry of its position that only companies for whom the CPNI rules have any application – which at a logical minimum would require such companies to have access to CPNI, were expected to make this upcoming filing.<sup>69</sup>

---

<sup>66</sup> “Public Notice – EB Provides Guidance On Filing of Annual Customer Proprietary Network Information (CPNI) Certifications Under 47 C.F.R. § 64.2009(e)”, DA 08-171 (January 29, 2008).

<sup>67</sup> Id., p. 1.

<sup>68</sup> Id.

<sup>69</sup> See NARUC v. FCC, 533 F.2d 601 (1976), ftnt 15:

“The language of the Commission, referring to ‘access programming’ and ‘turn the dial,’ shows that the FCC is talking about educational, governmental, public and leased channels changing programming. None of these rules, all video transmissions, is at issue here. The two-way, point-to-point services were not mentioned and their nature makes it impossible to infer that the FCC language was dealing with them by implication.”

Likewise, the Enforcement Bureau’s public statements make it impossible to infer by implication that companies which have no access to CPNI were caught up in the annual certification filing; indeed, quite the opposite is true.

The Enforcement Bureau even went so far as to provide a “suggested template that filing entities may use to meet the annual certification requirement.”<sup>70</sup> Even a cursory review of the Enforcement Bureau’s “template” would have been sufficient to demonstrate to any company such as GOT, which has no access to CPNI, that this is a filing requirement which is of no application to it. In fact, any attempt by GOT to file such a certification would represent nothing more than an exercise in wasted effort, the precise form of “practical nullity” which the FCC has always eschewed.<sup>71</sup>

Ultimately, however, even if the Enforcement Bureau’s statements to the industry which led directly to the conclusion that companies such as GOT are not subject to the annual certification filing requirement of §64.2009(e), it would still be precluded from applying that annual filing requirement, or imposing a forfeiture, upon GOT here. Application of that filing requirement to a company which has no access to CPNI goes beyond the bounds of “practical nullity”; it is, in fact, an actual nullity:

“The power of an administrative officer or board to administer a federal statute and to prescribe rules and regulations to that end is not the power to make law, for no such power can be delegated by Congress, but the power to adopt regulations to carry into effect the will of Congress as expressed by the statute. A regulation which does not do this, but operates to create a rule out of harmony with the statute, is a mere nullity. Lynch v. Tilden Produce Co., 265 U.S. 315, 320-322, 44 S.Ct. 488, 68 L. Ed. 1034; Miller v. United States, 294 U.S. 435, 439, 440, 55 S.Ct. 440, 79 L.Ed. 977, and cases cited. And not only must a regulation, in order to be valid, be consistent with the statute, but it must be reasonable. International R. Co. v. Davidson, 251 U.S. 506, 514, 42 S.Ct. 179, 66 L.Ed. 341. The original regulation as

---

<sup>70</sup> Id.

<sup>71</sup> In the Matter of Southern Pacific Communications Company Revisions to Tariff F.C.C. No. 6, 67 FCC2d 1569, Transmittal No. 113, ¶18: “A tariff must be rejected if it is a ‘substantive nullity’ such as where the carrier, as a practical matter, cannot provide the service described in the tariff.” Similarly, an annual certification filing would be a substantive nullity where, as a practical matter, the company cannot pose a risk to the FCC’s consumer privacy protections because the company has no individually identifiable personal information to misuse or inadvertently reveal.

applied to a situation like that under review is both inconsistent with the statute and unreasonable.”<sup>72</sup>

The annual certification requirement of §64.2009(e) might indeed be consistent with the Congressional intent of Section 222 generally under some circumstances; furthermore, requiring companies which pose an actual risk to consumer privacy to make this certification may be reasonable. However, requiring entities *which possess no access CPNI* – and therefore (i) could not possibly pose the identified risk of potential misuse or unintentional release of individually identifiable personal information, (ii) could not possibly experience data broker actions; (iii) could not possibly experience customer-initiated CPNI complaints – to file the annual officer’s certification coupled with an explanation of how the entity has taken steps to comply with FCC CPNI rules (which only have real, rather than purely theoretical, application to an entity which *does* possess access to CPNI) can by no means be considered either “consistent with the statute” or “reasonable”.

#### IV. GLOBAL 1 TOUCH HAS NOT VIOLATED SECTION 222 OF THE ACT, §64.2009(e) OF THE COMMISSION’S RULES OR THE *EPIC CPNI ORDER*

The Omnibus NAL asserts that the 666 Appendix I companies, including GOT, are in apparent violation of (i) Section 222 of the Act; (ii) §64.2009(e) of the Commission’s rules, and (3) the Commission’s *EPIC CPNI Order*. With respect to GOT, each of these assertions is inaccurate and must be set aside. GOT has violated no provision of Section 222 and it is not subject to the provisions of §64.2009 or those ordering provisions of the *EPIC CPNI Order* implementing the annual certification filing requirement of sub-part §64.2009(e).

As noted above, the Omnibus NAL, which in the aggregate seeks to impose \$13,200,000 in apparent liability for forfeiture, does so without any consideration whatsoever of whether any of the 666 Appendix I companies has done any actual harm to the FCC’s CPNI policies in general or to

---

<sup>72</sup> Manhattan General Equipment Co. v. Commissioner of Internal Revenue, 297 U.S. 129, 134-135, 56 S.Ct. 397, U.S. 1936.

any consumer in particular. Rather, the Omnibus NAL imposes upon each Appendix I company a “knee-jerk”, uniform \$20,000 forfeiture, ostensibly for failure to file a §64.2009(e) certification.<sup>73</sup> In GOT’s case, this allegation is simply untrue. GOT has filed a §64.2009(e) certification for calendar year 2007 – and the record in EB Docket No. 06-36 demonstrates that numerous of the other 665 Appendix I companies have done the same.

After twice asserting the Appendix I companies have “failed to file” the §64.2009(e) certification, the Omnibus NAL asserts as a separate violation that certain of the Appendix I companies “failed to §64.2009(e) certification on or before March 1, 2008.”<sup>74</sup> On this point as well, the Omnibus NAL is incorrect; GOT has not violated §64.2009(e) by failing to timely file an annual certification. GOT’s §64.2009(e) certification, attached hereto as Exhibit A, was indeed filed on September 16, 2008. However, as noted above, GOT was under no legal obligation to file the certification at any date -- prior to, on, or after -- March 1, 2008. And GOT’s EB Docket 06-36 certification filing for both calendar years 2007 and 2008 have been made on a purely voluntary basis; thus, the date of those filings is entirely irrelevant.<sup>75</sup>

The above allegations are the totality of the charges made against GOT (and the other 665 Appendix I companies); both allegations are false, both must be rescinded and, the proposed forfeiture against GOT must be cancelled in its entirety.

#### **V. APPLICATION OF THE FACTORS SET FORTH IN THE FCC’S FORFEITURE POLICY STANDARDS MANDATE THE CANCELLATION OF THE OMNIBUS NAL AGAINST GLOBAL 1 TOUCH**

As demonstrated above, GOT is not liable for forfeiture in any amount because the Company has not violated Section 222 of the Act, §64.2009(e) or the *EPIC CPNI Order*. However, the Company is mindful that any argument not advanced in this Response may be lost to it and

---

<sup>73</sup> Omnibus NAL, ¶¶ 1, 4.

<sup>74</sup> *Id.*, ¶4.

<sup>75</sup> In light of the issuance of the Omnibus NAL, out of an abundance of caution, GOT submitted its voluntary certification for calendar year 2008 prior to the March, 2009 deadline.

therefore, it addresses below the factors from the FCC's *Forfeiture Policy Standards* which the Enforcement Bureau is obligated to take into account: "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."<sup>76</sup> By addressing these factors herein, GOT does not concede that any amount would be appropriate as a forfeiture; this analysis is provided only out of an abundance of caution to ensure that the Company's Response to the Omnibus NAL is deemed complete in every respect.

The FCC has stated that "[t]he mitigating factors of Section 503(b)(2)(D) will . . . be used to make adjustments in all appropriate cases."<sup>77</sup> One particular factor, GOT's ability to pay, is addressed in Section VI below. The remainder of the factors, all of which support a downward adjustment of the proposed forfeiture amount, are addressed here.

None of the factors which the FCC considers most significant to retention of a proposed forfeiture in its original amount (or in truly serious situations possibly elevating the amount of a forfeiture) are at issue here.<sup>78</sup> Even in the case of a company which is subject to the §64.2009(e) annual certification filing requirement, the filing itself is a mere ministerial act. Failure to strictly meet a March 1<sup>st</sup> filing deadline can hardly be considered "egregious misconduct". Furthermore, the FCC considers whether the amount of any forfeiture, as applied to the specific entity before it, is sufficiently high to act as a "relative disincentive" to repeating rule violations in the future (*i.e.*, a forfeiture should constitute something more than simply a "cost of doing business" for a particularly deep-pocketed rule violator.)<sup>79</sup> As Section VI following makes clear, quite the opposite concern is

---

<sup>76</sup> 47 U.C.S. §503(b).

<sup>77</sup> *Forfeiture Policy Statement*, ¶ 53.

<sup>78</sup> See *Forfeiture Policy Statement*, Adjustment Criteria for Section 503 Forfeitures ("Upward Adjustment Criteria: (1) egregious misconduct; (2) ability to pay/relative disincentive; (3) intentional violation; (4) substantial harm; (5) prior violations of any FCC requirements; (6) substantial economic gain; (7) repeated or continuous violation.")

<sup>79</sup> See *Forfeiture Policy Statement*, ¶19.

present here, where GOT will be severely impacted by the proposed forfeiture, perhaps even to the extent of having to close its doors.

As noted above, public statements of the Enforcement Bureau affirmatively led GOT to the conclusion that it was not expected to make a §64.2009(e) filing. Accordingly, the possibility of “intentional violation” of an FCC rule is not present here.<sup>80</sup> And, with respect to the issue of “substantial harm”, GOT has clearly demonstrated herein that the Company has caused no harm to the FCC’s CPNI policies and no harm to any consumer.

GOT has never received a warning or an admonishment from the FCC. Furthermore, since the filing obligation addressed in the Omnibus NAL arose only for the first time in March, 2008, there is no possibility that GOT is guilty of a prior violation of §64.2009(e). Neither GOT nor any other entity stands to reap a “substantial economic gain” from refusal to timely fulfill a ministerial §64.2009(e) filing obligation; and inasmuch as the Omnibus NAL was issued prior to the second annual §64.2009(e) filing deadline, no entity – including GOT – can be guilty of a repeated violation thereof.

Each of the factors which the FCC considers relevant to a *downward* adjustment of a proposed forfeiture is, however, present here.<sup>81</sup> And each of those factors weigh heavily in favor of a significant reduction in the proposed forfeiture, up to and including reduction of the forfeiture from a monetary fine to a mere warning or admonishment. As noted above, GOT, like many of the other 665 Appendix I companies, ultimately made a §64.2009(e) filing obligation for calendar year 2007; thus, even if the Company had been required to make this filing, doing so only after the March 1, 2008, filing deadline would constitute at most a “minor violation” – a fulfillment of an obligation, albeit tardy, but still a fulfillment. As to “good faith” and “voluntary disclosure”, even now the

---

<sup>80</sup> Indeed, no violation of an FCC rule is present here at all – intentional or otherwise.

<sup>81</sup> See *Forfeiture Policy Statement*, Adjustment Criteria for Section 503 Forfeitures (“Downward Adjustment Criteria: (1) minor violation; (2) good faith or voluntary disclosure; (3) history of overall compliance; (4) inability to pay.”)

Company believes, consistent with the legal principles addressed above, that the §64.2009(e) filing obligation cannot lawfully be imposed upon it. Thus, the voluntary filing of GOT's calendar year §64.2009(e) filing – as well as the voluntary filing of a similar certification covering calendar year 2008 – demonstrate a good faith attempt to satisfy the Enforcement Bureau *voluntarily made*.

GOT's history of overall compliance with FCC rules and regulations is unblemished and, as demonstrated below, the Company is unable to satisfy the proposed forfeiture amount without placing in jeopardy its ability to continue as a going concern.

Staff is directed by §503 to also consider “such other matters as justice may require.”<sup>82</sup> Thus, the Enforcement Bureau should bear in mind the following as it considers application of the forfeiture factors to GOT's situation. From its very inception, the Company has tried diligently to comply with all FCC rules and regulations. Toward that end, the Company submitted a 499-A registration filing early in 2007 in anticipation of initiation service (requesting at that time information from USAC to ensure the accuracy of its submissions); the actual initiation of service, however, did not occur until the mid-point of calendar year 2007. Thus, the Company was not even in operation for the full reporting period which is the subject of the Omnibus NAL.

Furthermore, the Company commenced operations as an extremely small entity and remains so at the present time. Without the deep pockets of a larger, established firm, GOT did not have the financial ability to engage telecommunications legal counsel as an initial matter (although it has been required to do so by the Omnibus NAL). Thus, while the Company took such compliance actions which were reasonably available to it, the more esoteric elements of the FCC's complex and sometimes confusing operating procedures may have occasionally escaped it. This is probably most evident with respect to the Company's reliance upon the Enforcement Bureau's advice through Public Notice. Given what appeared to be clear advice that the Company was not expected to make

---

<sup>82</sup> 47 U.C.S. §503(b).



the §64.2009(e) filing, GOT did not delve further into the precise text of Section 222 and §64.2009(e).<sup>83</sup>

Upon receipt of the Enforcement Bureau's Letter of Inquiry, the Company fully and candidly responded with relevant information sufficient to put the matter to rest. Nevertheless, the Company took the additional further step -- on a purely voluntary basis -- of filing a §64.2009(e) certification in order to assure the Enforcement Bureau that there had been no data broker actions and no customer CPNI-related complaints during calendar year 2007.

Pursuant to FCC Rule §1.3, the FCC may waive any rule for good cause shown.<sup>84</sup> Thus, even if GOT were legally subject to §64.2009(e) (which it is not), the interests of justice surely would have supported a waiver of the rule under the above circumstances. Furthermore, the FCC has held that "warnings can be an effective compliance tool in some cases involving minor or first time offenses. The Commission has broad discretion to issue warnings in lieu of forfeitures."<sup>85</sup> Exercise of that discretion, rather than imposition of a forfeiture, would certainly have been the appropriate course of action for the Enforcement Bureau in this case.<sup>86</sup>

#### **VI. GLOBAL 1 TOUCH WILL SUFFER FINANCIAL HARDSHIP UNLESS THE APPARENT FORFEITURE IS CANCELLED IN ITS ENTIRETY**

Pursuant to FCC Rule §503(b)(2)(D), Staff must also review on an individual basis GOT's claim of financial hardship. To facilitate that review, GOT (subject to confidential treatment)

---

<sup>83</sup> Even had it done so, however, that text could not reasonably have put the Company on notice that it should make a filing which appeared facially inapplicable to it.

<sup>84</sup> 47 C.F.R. §1.3.

<sup>85</sup> *Forfeiture Policy Statement*, ¶31. See also 47 C.F.R. §1.89.

<sup>86</sup> Indeed, so strong is the FCC's commitment to this policy of issuing only warnings to first time violators that it has stated its intent to apply the practice "except in egregious cases involving harm to others or safety of life issues." *Forfeiture Policy Statement*, ¶23.

provides at Exhibit B hereto specific financial documentation<sup>87</sup> which demonstrates that, in light of the Company's financial position, the proposed forfeiture far exceeds the range previously held reasonable by the FCC. Here, the proposed forfeiture of \$20,000 represents a full XXXX percent of GOT's total gross revenues for the subject calendar year, and XXXX percent of the Company's gross revenues from domestic telecommunications services during calendar year 2007. Thus, a severe reduction is required simply to bring any proposed forfeiture down to the range previously considered reasonable by the FCC.

In fact, mere reduction of the forfeiture amount to a level consistent with FCC precedent would result in a forfeiture so small as to be nonexistent. As GOT's financial documentation makes clear, GOT would suffer an adverse financial consequence were it required to satisfy the proposed forfeiture of \$20,000, with the result that the Company might be required to cease operations entirely.

Such a result is simply untenable in light of GOT's efforts to comply with the dictates of a rule section which has no legal application to the Company. Furthermore, the Company went to these extraneous lengths for the sole purpose of staving off action by the Enforcement Bureau prior to the time the Bureau should have completed its review of GOT's LOI response. It is evident that GOT's LOI response was not adequately considered by the Enforcement Bureau; even a cursory

---

<sup>87</sup> The Commission

“has the flexibility to consider any documentation, not just audited financial statements, that it considers probative, objective evidence of the violator's ability to pay a forfeiture. The Commission intends to continue its policy of being sensitive to the concerns of small entities who may not have the ability to pay a particular forfeiture amount or the ability to submit the same kind of documentation to corroborate the inability to pay. This is consistent with section 503(b)(2)(D) of the Communications Act and section 1.80(b)(4) of our rules, which provides that the Commission will take into account ability to pay in assessing forfeitures, and with our longstanding case law.”

*Forfeiture Policy Statement*, ¶44.

consideration of GOT's response should have resolved the Enforcement Bureau's inquiry. Instead, GOT has been included among the 666 Appendix I companies notwithstanding the legal inapplicability of §64.2009(e) to it.

The draconian financial impact of imposition of the full forfeiture against GOT is further untenable in light of the fact that the annual CPNI certification filing was required of companies actually subject to §64.2009(e) for the very first time in 2008. Thus, if the Enforcement Bureau had not departed from established *Forfeiture Policy Statement* precedent, neither GOT nor any other Appendix I company would have received any sanction stronger than a mere warning.

Finally, the financial detriment of the forfeiture against GOT is untenable because the Company experienced no data broker actions and no customer CPNI complaints during calendar year 2007 and 2008; and GOT has certified as much to the Enforcement Bureau through EB Docket No. 06-36. Accordingly, GOT respectfully requests that the Enforcement Bureau cancel in its entirety the proposed forfeiture against GOT or, at a minimum, convert the proposed forfeiture into a mere admonishment or warning, thereby alleviating any risk of financial harm to the Company.

### CONCLUSION

By reason of the foregoing, Global 1 Touch, LLC, hereby respectfully requests that the Enforcement Bureau cancel the proposed \$20,000 forfeiture against it, dismiss the Omnibus NAL in its entirety (or reduce it to a mere admonishment against Global 1 Touch), terminate proceeding File

No. EB-08-TG-4011, cancel the proposed \$20,000 forfeiture against Global 1 Touch in its entirety or, at a minimum, severely reduce the forfeiture as set forth above.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine M. Hannan".

Jonathan S. Marashlian, Esq.  
Catherine M. Hannan, Esq.  
Helein & Marashlian, LLC  
1483 Chain Bridge Road, Suite 301  
McLean, Virginia 22101  
Tel: 703-714-1313  
Fax: 703-714-1330  
E-mail: [jsm@CommLawGroup.com](mailto:jsm@CommLawGroup.com)

March 25, 2009

Counsel for Global 1 Touch, LLC

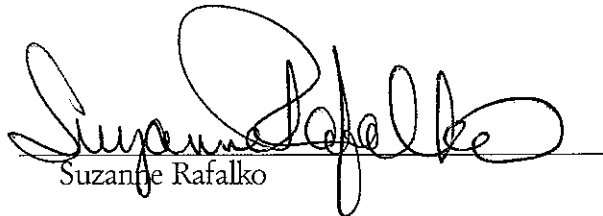
CERTIFICATE OF SERVICE

I, Suzanne Rafalko, hereby certify that true and correct copies of the foregoing Response of Global 1 Touch, LLC, to Omnibus Notice of Apparent Liability for Forfeiture, were served upon the following, in the manner indicated, this 25th day of March, 2009.

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o NATEK  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002  
(via Hand Delivery)

Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
ATTN: Enforcement Bureau – Telecommunications Consumers Division  
(via overnight courier)

Marcy Greene, Deputy Chief  
Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20005  
(Reference: NAL/Acct. No. 200932170420  
(via overnight courier and electronic transmission))

  
Suzanne Rafalko

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	File No. EB-08-TC-4011
	)	
Global1Touch, LLC	)	NAL/Acct. No. 200932170420
	)	
Apparent Liability for Forfeiture	)	FRN No. 0018509190
_____	)	

VERIFICATION

State of Maryland )  
 )  
County of Montgomery )

I, May N Bedlach, being duly sworn according to law, depose and say that I am Manager of Global1Touch, LLC ("GOT"); that I am authorized to and do make this Verification for it; that the facts set forth in the foregoing Response of to Omnibus Notice of Apparent Liability for Forfeiture ("Response") are true and correct to the best of my knowledge, information and belief. I further depose and say that the authority to submit the Response has been properly granted.

Juhak Lee

Subscribed and sworn before me this 23 day of March, 2009.



JUHAK LEE  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
MARYLAND  
MY COMMISSION EXPIRES JUNE 9, 2010

Notary Public

## Exhibit A

### Global 1 Touch Letter of Inquiry Response



I GOT to have it...

Global 1 Touch

VIA EMAIL

Robert.somers@fcc.gov

Marcy.greene@fcc.gov

Robert Somers, Senior Attorney  
Marcy Greene, Deputy Division Chief  
Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street,  
Washington, D.C.

Date: September 16, 2008

Re: File No. EB-08-TC-4011

To Whom It May Concern:

We are a small, start-up company engaged in the international prepaid calling business. Our company began offering international prepaid services in the third quarter of 2007. In 2007, we grossed less than \$87,000, of which almost \$50,000 was from wholly international long distance (international-to-international calling).

In an effort to ensure compliance with FCC Rules, we contacted USAC to request assistance with the preparation and filing of required registration forms. On March 15, 2007, we filed a 2005 Form 499-A at the request of Marcus Williams at USAC. See Attachment 1. We have since been advised by our recently retained outside counsel that USAC registration using the 2005 Form 499-A was improper and that we should have, instead, registered using the 2007 Form 499-A. Then, on July 20, 2008, we filed a 2008 Form 499-A in which we attempted to report revenue earned during the short period of time we were operational in 2007. See Attachment 2. We recently had our 2008 Form 499-A filing reviewed by outside counsel and have been advised of several errors. We anticipate filing a revision to our 2008 Form 499-A very soon.

During our brief existence, we have attempted to comply with the FCC Regulations to the best of our abilities and within our limited staffing and financial resources. However, as evidenced by our issues with the Form 499s, which we are now diligently working to correct, we failed to fully comprehend the complex FCC Regulatory requirements. To rectify any past concerns and help ensure our company's legal & regulatory compliance in the future, we have retained specialized legal counsel.



With the assistance of counsel, Global 1 Touch has reviewed the internal policies and procedures that were in place throughout 2007 and this year with respect to the company's access to, use and protection of Customer Proprietary Network Information (CPNI). This review concluded that Global 1 Touch had, in fact, complied with all FCC regulations governing CPNI compliance.

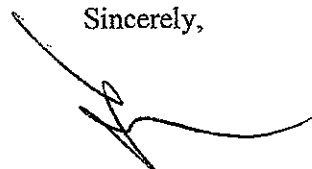
In summary, Global 1 Touch did not use CPNI except as permitted by 47 U.S.C. 222(d) exceptions. The company has not sought customer approval of the use of CPNI because CPNI is not used to market services. The company has trained all personnel with access to CPNI as to the identification of CPNI, when CPNI may be used, and has an express disciplinary process in place for any improper use of CPNI. The company has not used CPNI in any sales or marketing campaign, ever. No outbound sales and marketing campaign can be conducted without management approval and any such campaign would require supervisory review to assure compliance with the CPNI rules. The company has never received any customer complaints concerning the unauthorized release of CPNI.

Global 1 Touch has since filed its 2008 CPNI Certification of Compliance for year 2007 operations in Docket No. 06-36. See Attachment 3.


Global 1 Touch respectfully requests FCC lenience for its oversight in neglecting to file a CPNI Certification before March 1, 2008. As indicated above, Global 1 Touch is a small company which grossed less than \$87,000 in 2007. A serious fine would cause us great financial harm.

Thank you for your consideration of our request for leniency. We look forward to maintaining a pristine compliance record on a going forward basis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nurit Coombe', written over a horizontal line.

Nurit Coombe  
CEO  
Nisso Bedolach  
VP

A large, stylized handwritten signature in black ink, written over a horizontal line.

### **Declaration of Nurit Coombe**

I, Nurit Coombe, am CEO of Global 1 Touch, LLC. I verify, under penalty of perjury, that the information contained herein is true and accurate to the best of my knowledge, information, and belief. I further verify that all of the information requested by the letter dated September 5, 2008, directed to Global 1 Touch, LLC from the FCC's Enforcement Bureau ("Letter of Inquiry") that are in the company's possession, custody, control or knowledge have been produced.

Signed: \_\_\_\_\_

Nurit Coombe  
CEO

### **Declaration of Nisso Bedolach**

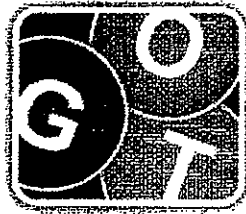
I, Nisso Bedolach, am VP of Global 1 Touch, LLC. I verify, under penalty of perjury, that the information contained herein is true and accurate to the best of my knowledge, information, and belief. I further verify that all of the information requested by the letter dated September 5, 2008, directed to Global 1 Touch, LLC from the FCC's Enforcement Bureau ("Letter of Inquiry") that are in the company's possession, custody, control or knowledge have been produced.

Signed: \_\_\_\_\_

Nisso Bedolach  
VP

**ATTACHMENT 1**

Copy of Initial Registration (incorrectly using 2005 Form 499)



Global 1 Touch  
7272 Wisconsin Ave. #300  
Bethesda, MD. 20814

3/15/07

USAC  
Mr. Marcus Williams

Subject: Global 1 Touch, LLC. FUSI # 826459, 499Q Estimated Revenue

This letter is in respond to your request from 03-13-07 for Global 1 Touch estimated revenues. Since Global 1 Touch is a new company we did not report any revenues for 2006 and no revenues are expected for the next quarter as we will launch our company and products only in 30-60 days form today.

Thanks,

Nisso Bedolach  
VP Business Development



## 2005 FCC Form 499-A Telecommunications Reporting Worksheet

Approval by OMB  
3060-0865>>> Please read instructions before completing. <<<  
Annual Filing - due April 1.

## Block 1: Contributor Identification Information

During the year, carriers must file Blocks 1, 2 and 6. If there are any changes in Lines 104 or 112. See instructions.

101 Filer 499 ID [If you don't know your number, contact the administrator at (888) 641-8722.

If you are a new filer, write "new" in this block and a Filer 499 ID will be assigned to you.]

102 Legal name of reporting entity

Global One Touch, LLC

(Global 1 Touch, LLC)

103 IRS employer identification number

20-0202007

61-1521867

104 Name telecommunications service provider is doing business as

Global One Touch

105 Telecommunications activities of filer [Select up to 5 boxes that best describe the reporting entity. Enter numbers starting with "1" to show the order of importance - see directions.]

☐ All Distance☐ CAP/CLEC☐ Cellular/PCS/SMR (wireless telephony incl. by resale)☐ Coaxial Cable☐ Incumbent LEC☐ Interexchange Carrier (IXC)☐ Local Reseller☐ Operator Service Provider (OSP)☐ Paging & Messaging☐ Payphone Service Provider☒ Prepaid Card☐ Private Service Provider☐ Satellite Service Provider☐ Shared-Tenant Service Provider / Building LEC☐ SMR (dispatch)☐ Toll Reseller☐ Wireless Data

If Other Local, Other Mobile or Other Toll is selected,

☐ Other Local☐ Other Mobile☐ Other Toll

describe carrier type / services provided: --&gt;

106.1 Holding company name (All affiliated companies must show the same name on this line.)

106.2 Holding company IRS employer identification number

107 FCC Registration Number (FRN) [https://svartfloss2.fcc.gov/cores/CoresHome.html]

[For assistance, contact the CORES help desk at 877-480-3201 or CORES@fcc.gov]

108 Management company (If carrier is managed by another entity)

109 Complete mailing address of reporting entity  
corporate headquarters

Street 1 7272 Wisconsin Ave

City Bethesda

Street 2 Suite 300

St MD Zip 20814

Street 3

Country

Street 1

City

Street 2

St

Zip

Street 3

Country

110 Complete business address for customer inquiries and complaints

(if different from address entered on Line 109)

check if same as Line 109 ☐

111 Telephone number for customer complaints and inquiries [Toll-free number if available]

( 301 ) - 541-1910

Ext

112 List all trade names used in the past 3 years in providing telecommunications.

Include all names by which you are known by customers.

a

b

c

d

e

f

g

h

i

j

k

l

Use an additional sheet if necessary. Each reporting entity must provide all names used for carrier activities.

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005

## 2005 FCC Form 499-A Telecommunications Reporting Worksheet

Page 2

## Block 2-A: Regulatory Contact Information

201 Filer 499 ID [from Line 101]										
202 Legal name of reporting entity [from Line 102]	Global One Touch, LLC									
203 Person who completed this Worksheet	First	David					Last	Coombe		
204 Telephone number of this person	( 301 )	-	941-1910					Ext		
205 Fax number of this person	( 301 )	-	458-1313							
206 E-mail of this person										
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	Street 1	7272 Woodhain Ave.	City	Bethesda	First	David	Last	Coombe	Ph.	
	Street 2	Suite 300	St	MD	Zip	20814			fax	Ext
	Street 3		E-Mail							
208 Billing address and billing contact person: [Plan administrators will send bills for contributions to this address. Please attach a written request for alternative billing arrangements.]	Street 1	Same as above	City		First		Last		Ph.	
	Street 2		St		Zip				fax	Ext
	Street 3		E-Mail							

## Block 2-B: Agent for Service of Process

All carriers must complete Lines 209 through 213.

During the year, carriers must refile Blocks 1, 2 and 6 if there are any changes in this section. See Instructions.

209 D.C. Agent for Service of Process per 47 U.S.C. §413	First					Last					Company		
210 Telephone number of D.C. agent	( )	-					Ext						
211 Fax number of D.C. agent	( )	-											
212 E-mail of D.C. agent													
213 Complete business address of D.C. agent for hand service of documents	Street 1					City							
	Street 2					St	Zip						
	Street 3												
214 Local/alternate Agent for Service of Process (optional)	First					Last					Company		
215 Telephone number of local/alternate agent	( )	-					Ext						
216 Fax number of local/alternate agent	( )	-											
217 E-mail of local/alternate agent													
218 Complete business address of local/alternate agent for hand service of documents	Street 1					City							
	Street 2					St	Zip						
	Street 3												

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005

**2005 FCC Form 499-A Telecommunications Reporting Worksheet**

Page 3

**Block 2-C: FCC Registration and Contact Information**

Carriers must refile Blocks 1, 2 and 6

If there are any changes in this section, See Instructions.

219 Filer 499 ID [from Line 101]

220 Legal name of reporting entity (from Line 102)

Global One Touch, LLC

221 Chief Executive Officer (or, highest ranking company officer if the filing entity does not have a chief executive officer)

First David

Last Coombe

222 Business address of individual named on Line 221

check if same as Line 109 ☒

Street 1 7272 Wisconsin Ave

Street 3

Street 2 Suite 300

City Bethesda

St MD

Zip 20814

223 Second ranking company officer, such as Chairman (Must be someone other than the individual listed on Line 221)

First

Last

224 Business address of individual named on Line 223

check if same as Line 109 ☐

Street 1

Street 3

Street 2

City

St

Zip

225 Third ranking company officer, such as President or Secretary (Must be someone other than individuals listed on Lines 221 or 223)

First

Last

226 Business address of individual named on Line 225

check if same as Line 109 ☐

Street 1

Street 3

Street 2

City

St

Zip

227 Indicate jurisdictions in which the filing entity provides telecommunications service. Include jurisdictions in which telecommunications service was provided in the past 15 months and jurisdictions in which telecommunications service is likely to be provided in the next 12 months.

☐ Alabama☐ Guam☐ Massachusetts☐ New York☐ Tennessee☐ Alaska☐ Hawaii☐ Michigan☐ North Carolina☐ Texas☐ American Samoa☐ Idaho☐ Midway Atoll☐ North Dakota☐ Utah☐ Arizona☐ Illinois☐ Minnesota☐ Northern Mariana Islands☐ U.S. Virgin Islands☐ Arkansas☐ Indiana☐ Mississippi☐ Ohio☐ Vermont☐ California☐ Iowa☐ Missouri☐ Oklahoma☐ Virginia☐ Colorado☐ Johnston Atoll☐ Montana☐ Oregon☐ Wake Island☐ Connecticut☐ Kansas☐ Nebraska☐ Pennsylvania☐ Washington☐ Delaware☐ Kentucky☐ Nevada☐ Puerto Rico☐ West Virginia☐ District of Columbia☐ Louisiana☐ New Hampshire☐ Rhode Island☐ Wisconsin☐ Florida☐ Maine☐ New Jersey☐ South Carolina☐ Wyoming☐ Georgia☐ Maryland☐ New Mexico☐ South Dakota

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005



## 2005 FCC Form 499-A Telecommunications Reporting Worksheet

Page 4

## Block 3: Carrier's Carrier Revenue Information

301 Filer 499 ID [from Line 101]

302 Legal name of reporting entity [from Line 102]

Global One Touch, LLC

Report billed revenues for January 1 through December 31, 2004.

Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.

See instructions regarding percent interstate &amp; international.

## Revenues from Services Provided for Resale by Other Contributors to Federal Universal Service Support Mechanisms

## Fixed local services

Monthly service, local calling, connection charges, vertical features, and other local exchange service including subscriber line and PICC charges to IXCs

303.1 Provided as unbundled network elements (UNEs)

303.2 Provided under other arrangements

Per-minute charges for originating or terminating calls

304.1 Provided under state or federal access tariff

304.2 Provided as unbundled network elements or other contract arrangement

305 Local private line &amp; special access service

306 Payphone compensation from toll carriers

307 Other local telecommunications service revenues

308 Universal service support revenues received from Federal or state sources

## Mobile services (including wireless telephony, paging &amp; messaging, and other mobile services)

309 Monthly, activation, and message charges except toll

## Toll services

310 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)

311 Ordinary long distance (direct-dialed MTS, customer toll-free (800/888 etc.) service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)

312 Long distance private line services

313 Satellite services

314 All other long distance services

Total  
RevenuesIf breakouts are not book  
amounts, enter whole  
percentage estimates

Interstate

International

Breakouts

Interstate  
RevenuesInternational  
Revenues

(a)

(b)

(c)

(d)

(e)

Note: As stated in the instructions, for all revenues reported on this page, you must retain the Filer 499 ID and contact information for the associated customers. You must verify that each of these customers is a direct contributor to the federal universal service support mechanism and that the customer is purchasing service for resale as telecommunications. These records must be made available to the administrator or the FCC upon request. (See instructions.)

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005

## 2005 FCC Form 499-A Telecommunications Reporting Worksheet

Page 5

## Block 4-A: End-User and Non-Telecommunications Revenue Information

401 Filer 499 ID [from Line 101]		402 Legal name of reporting entity [from Line 102]				
Report billed revenues for January 1 through December 31, 2004. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars. See instructions regarding percent interstate & international.		Total Revenues	If breakouts are not book amounts, enter whole percentage estimates		Breakouts	
		(a)	Interstate (b)	International (c)	Interstate Revenues (d)	International Revenues (e)
<b>Revenues from All Other Sources (end-user telecom. &amp; non-telecom.)</b>						
403	Surcharges or other amounts on bills identified as recovering State or Federal universal service contributions	\$0.00	0.00	0.00	\$0.00	\$0.00
<b>Fixed local services</b>						
Monthly service, local calling, connection charges, vertical features, and other local exchange service charges except for federally tariffed subscriber line charges and PICC charges						
404.1	Provided at a flat rate including interstate toll service	\$0.00	0.00	0.00	\$0.00	\$0.00
404.2	Provided without interstate toll included (see instructions)	\$0.00	0.00	0.00	\$0.00	\$0.00
405	Tariffed subscriber line charges and PICC charges levied by a local exchange carrier on a no-PIC customer	\$0.00	0.00	0.00	\$0.00	\$0.00
406	Local private line and special access service	\$0.00	0.00	0.00	\$0.00	\$0.00
407	Payphone coin revenues (local and long distance)	\$0.00	0.00	0.00	\$0.00	\$0.00
408	Other local telecommunications service revenues	\$0.00	0.00	0.00	\$0.00	\$0.00
<b>Mobile services (including wireless telephony, paging &amp; messaging, and other mobile services)</b>						
409	Monthly and activation charges	\$0.00	0.00	0.00	\$0.00	\$0.00
410	Message charges including roaming, but excluding toll charges	\$0.00	0.00	0.00	\$0.00	\$0.00
<b>Toll services</b>						
411	Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards	\$0.00	0.00	0.00	\$0.00	\$0.00
412	International calls that both originate and terminate in foreign points	\$0.00	0%	100%		\$0.00
413	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 412	\$0.00	0.00	0.00	\$0.00	\$0.00
414	Ordinary long distance (direct-dialed MTS, customer toll-free (800/888 etc.) service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)	\$0.00	0.00	0.00	\$0.00	\$0.00
415	Long distance private line services	\$0.00	0.00	0.00	\$0.00	\$0.00
416	Satellite services	\$0.00	0.00	0.00	\$0.00	\$0.00
417	All other long distance services	\$0.00	0.00	0.00	\$0.00	\$0.00
418	Revenues other than U.S. telecommunications revenues. Information services, inside wiring maintenance, billing and collection customer premises equipment, published directory, dark fiber, Internet access, cable TV program transmission, foreign carrier operations, and non-telecommunications revenues (See instructions.)	\$0.00	0.00	0.00	\$0.00	\$0.00

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005

**2005 FCC Form 499-A Telecommunications Reporting Worksheet**

Page 6

**Block 4-B: Total Revenue and Uncollectible Revenue Information**

		Total Revenues (a)	Breakouts	
			Interstate Revenues (d)	International Revenues (e)
419	Gross billed revenues from all sources (incl. reseller & non-telecom.) [Lines 303 through 314 plus Lines 403 through 418]	\$0.00	\$0.00	\$0.00
420	Gross universal service contribution base amounts [Lines 403 through 411 Lines 413 through 417] See Figure 4 in instructions.	\$0.00	\$0.00	\$0.00
421	Uncollectible revenue/bad debt expense associated with gross billed revenues amounts shown on Line 419	\$0.00	\$0.00	\$0.00
422	Uncollectible revenue/bad debt expense associated with universal service contribution base amounts shown on Line 420	\$0.00	\$0.00	\$0.00
423	Net universal service contribution base revenues [Line 420 minus line 422]	\$0.00	\$0.00	\$0.00

**Block 5: Additional Revenue Breakouts**

501 Filer 499 ID [from Line 101]

502 Legal name of reporting entity [from Line 102]

Global One Touch, LLC

Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 510. Filing entities that use Line 603 to certify that they are exempt from this requirement need not provide this information.

Percentage of revenues reported in Block 3 and Block 4 billed in each region of the country. Round or estimate to nearest whole percentage. Enter 0 if no service was provided in the region.

		Block 3 Carrier's Carrier (a)	Block 4 End-User Telecom. (b)
503	Southeast: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	%	%
504	Western: Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming	%	%
505	West Coast: California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.	%	%
506	Mid-Atlantic: Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	%	%
507	Mid-West: Illinois, Indiana, Michigan, Ohio, and Wisconsin	%	%
508	Northeast: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont	%	%
509	Southwest: Arkansas, Kansas, Missouri, Oklahoma, and Texas	%	%
510	Total [Percentages must add to 0 or 100.]	0 %	0 %

511 Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4-B, Line 420 but may be excluded from a filer's TRS, NANPA, LNP, and FCC interstate telephone service provider regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below. As stated in the instructions, you must have in your records the FCC Filer 499 ID for each customer whose revenues are included on Line 511. (See instructions.)

		(a) Total Revenues	(b) Interstate and International
Revenues from resellers that do not contribute to Universal Service	\$	\$	

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001.

# 2005 FCC Form 499-A Telecommunications Reporting Worksheet

Page 7

## Block 6: CERTIFICATION: to be signed by an officer of the filer

601 Filer 499 ID [from Line 101]

602 Legal name of reporting entity [from Line 102]

Global One Touch, LLC

Section IV of the instructions provides information on which types of reporting entities are required to file for which purposes. Any entity claiming to be exempt from one or more contribution requirements should so certify below and attach an explanation. [The Universal Service Administrator will determine which entities meet the *de minimis* threshold based on information provided in Block 4, even if you fail to so certify, below.]

603 I certify that the reporting entity is exempt from contributing to:

Universal Service ☐

TRS ☐ NANPA ☐

LNP Administration ☐

Provide explanation below:

604 Please indicate whether the reporting entity is

State or Local Government Entity ☐

I.R.C. § 501 Tax Exempt ☐

PUHCA § 34 (a)(1) Exempt ☐

605 I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to Sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules.

I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year. In addition, I swear, under penalty of perjury, that all requested identification registration information has been provided and is accurate. If the above-named reporting entity is filing on a consolidated basis, I certify that this filing incorporates all of the revenues for the consolidated entities for the entire year and that the filer adhered to and continues to meet the conditions set forth in Section II-B of the instructions.

606 Signature

*David Coombe*

607 Printed name of officer

David Coombe

First

Last

608 Position with reporting entity

President

609 Business telephone number of officer

301-941-1910

Ext

610 E-mail of officer

Payment@gluSALITouch.com, nunit@globalonetouch.com

611 Date

2.28.07

612 Check those that apply:



Original April 1 filing for year



New filer, registration only



Revised filing with updated registration



Revised filing with updated revenue data

Do not mail checks with this form. Send this form to: Form 499 Data Collection Agent c/o USAC 2000 L Street, N.W. Suite 200 Washington DC, 20036

For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet information: (888) 641-8722 or via e-mail: Form499@universalservice.org

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001

FCC Form 499-A  
April 2005

Sep 09 2008 16:17

3014681313

P. 8

**ATTACHMENT 2**

2008 499-A  
(Revised to correct reporting errors)

mailed 1-21-08

2001

## 2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Approval by OMB  
3060-0855

&gt;&gt;&gt; Please read instructions before completing. &lt;&lt;&lt;

Annual Filing - due April 1, 2008

## Block 1: Contributor Identification Information

During the year, filers must refile Blocks 1, 2 and 6 if there are any changes in Lines 104 or 112. See Instructions.

101 Filer 499 ID [If you don't know your number, contact the administrator at (888) 641-8722.

If you are a new filer, write "new" in this block and a Filer 499 ID will be assigned to you.]

826459

102 Legal name of reporting entity

Global 1 Touch LLC

103 IRS employer identification number

611521867

[Enter 9 digit number]

104 Name telecommunications provider is doing business as

Global 1 Touch LLC

105 Telecommunications activities of filer [Select up to 5 boxes that best describe the reporting entity. Enter numbers starting with "1" to show the order of importance -- see directions.]

CAP/CLEC

☐

Cellular PCS/SMR (wireless telephony incl. by resale)

Coaxial Cable

☐ Incumbent LEC

Interconnected VoIP

☐

Interexchange Carrier (IXC)

☐ Local Reseller☐ Operator Service Provider (OSP)☐ Paging & Messaging

Payphone Service Provider

☒ Prepaid Card☐ Private Service Provider☐ Satellite Service Provider

Shared-Tenant Service Provider

☐ SMR (dispatch)☐ Toll Reseller☐ Wireless Data

If Other Local, Other Mobile or Other Toll is checked, describe carrier type / services provided: →

☐ Other Local☐ Other Mobile☐ Other Toll

106 Holding company name (All affiliated companies must show the same name on this line.)

106 Holding company IRS employer identification number

[Enter 9 digit number]

107 FCC Registration Number (FRN) [https://svartfoss2.fcc.gov/cores/CoresHome.html ]  
for assistance, contact the CORES help desk at 877-480-3201 or CORES@fcc.gov]

[Enter 10 digit number]

Just filed waiting on number

108 Management company (If filer is managed by another entity)

109 Complete mailing address of reporting entity

Corporate headquarters

Note: this address will be used for the FRN FCC regulatory fee billings unless the appropriate box is checked on Line 208.

Street1

7272 Wisconsin Ave #300

Street2

Street3

City

Bethesda

State MD

Zip (postal code) 20814

Country if not USA

110 Complete business address for customer inquiries and complaints

check if same address as Line 109

Street1

Street2

Street3

City

State

Zip (postal code)

Country if not USA

111 Telephone number for customer complaints and inquiries [Toll-free number if available]

(888)-544 6848 ext -

112 List all trade names used in the past 3 years in providing telecommunications. Include all names by which you are known by customers.

Global 1 Touch

g

h

i

j

k

l

Use an additional sheet if necessary. Each reporting entity must provide all names used for telecommunications activities.

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

http://forms.universalservice.org

FCC Form 499-A  
February 2008

## Block 2-A: Regulatory Contact Information

201 Filer 499 ID [from Line 101]	826459			
202 Legal name of reporting entity [from Line 102]	Global 1 Touch, LLC			
203 Person who completed this Worksheet	First	MI	Last	
	NURIT		COOMBE	
204 Telephone number of this person	(301) - 941 1910 ext -			
205 Fax number of this person	(301) - 468 1015			
206 Email of this person    Required if available -- not for public release	nurit@global1touch, llc			
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	Office	Attn First name	MI	Last
	Email   required if available, not for public release	Phone ( ) -	ext -	Fax ( ) -
	Street1			
check if same name as Line 203 <input checked="" type="checkbox"/>	Street2			
check if same address as Line 109 <input checked="" type="checkbox"/>	Street3			
	City	State	Zip (postal code)	Country if not USA
208 Billing address and billing contact person: [Plan administrators will send bills for contributions to this address. Please attach a written request for alternative billing arrangements.]	Company	Attn First name	MI	Last
	Email   required if available, not for public release	Phone ( ) -	ext -	Fax ( ) -
	Street1			
	Street2			
check if name and address same as Line 207 <input checked="" type="checkbox"/>	Street3			
check to use Line 208 information for FCC ITSP regulatory fee bill <input checked="" type="checkbox"/>	City	State	Zip (postal code)	Country if not USA

## Block 2-B: Agent for Service of Process

All carriers and providers of interconnected VoIP must complete Lines 209 through 213. During the year, carriers and providers of interconnected VoIP must refile Blocks 1, 2 and 6 if there are any changes in this section. See Instructions.

209 D.C. Agent for Service of Process per 47 U.S.C. § 413	Company	Attn First name	MI	Last
	NONE			
210 Telephone number of D.C. agent	( ) - ext -			
211 Fax number of D.C. agent	( ) -			
212 Email of D.C. agent    Required if available				
213 Complete business address of D.C. agent for hand service of documents	Street1			
	Street2			
check to use Line 213 information for FCC ITSP regulatory fee bill <input type="checkbox"/>	Street3			
[If both Line 208 and Line 213 are checked, Line 208 will be used.]	City	State	DC	Zip
214 Local/alternate Agent for Service of Process (optional)	Company	Attn First name	MI	Last
215 Telephone number of local/alternate agent	( ) - ext -			
216 Fax number of local/alternate agent	( ) -			
217 Email of local/alternate agent    Required if available				
218 Complete business address of local/alternate agent for hand service of documents	Street1			
	Street2			
check to use Line 218 information for FCC ITSP regulatory fee bill <input type="checkbox"/>	Street3			
[If both Line 208 and Line 218 are checked, Line 208 will be used.]	City	State	Zip (postal code)	Country if not USA

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

FCC Form 499-A  
February 2008

# 2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Page 3

## Block 2-C: FCC Registration and Contact Information

Filers must refile Blocks 1, 2 and 6  
if there are any changes in this section. See Instructions.

219 Filer 499 ID [from Line 101]	826459																																																														
220 Legal name of reporting entity [from Line 102]	Global 1 Touch, LLC																																																														
221 Chief Executive Officer (or, highest ranking company officer if the filing entity does not have a chief executive officer)	First Nurt	MI	Last Crombe																																																												
222 Business address of individual named on Line 221 check if same as Line 109 <input checked="" type="checkbox"/>	Street1 Street2 Street3 City	State MI	Zip (postal code) Country if not USA																																																												
223 Second ranking company officer, such as Chairman (Must be someone other than the individual listed on Line 221)	First Nisso	MI	Last Bedolach																																																												
224 Business address of individual named on Line 223 check if same as Line 109 <input checked="" type="checkbox"/>	Street1 Street2 Street3 City	State MI	Zip (postal code) Country if not USA																																																												
225 Third ranking company officer, such as President or Secretary (Must be someone other than individuals listed on Lines 221 or 223)	First Lars	MI	Last Husted																																																												
226 Business address of individual named on Line 225 check if same as Line 109 <input checked="" type="checkbox"/>	Street1 Street2 Street3 City	State MI	Zip (postal code) Country if not USA																																																												
227 Indicate jurisdictions in which the filing entity provides service. Include jurisdictions in which service was provided in the past 15 months and jurisdictions in which service is likely to be provided in the next 12 months.																																																															
<table border="0"> <tr> <td><input type="checkbox"/> Alabama</td> <td><input type="checkbox"/> Guam</td> <td><input type="checkbox"/> Massachusetts</td> <td><input type="checkbox"/> New York</td> <td><input type="checkbox"/> Tennessee</td> </tr> <tr> <td><input type="checkbox"/> Alaska</td> <td><input type="checkbox"/> Hawaii</td> <td><input type="checkbox"/> Michigan</td> <td><input type="checkbox"/> North Carolina</td> <td><input type="checkbox"/> Texas</td> </tr> <tr> <td><input type="checkbox"/> American Samoa</td> <td><input type="checkbox"/> Idaho</td> <td><input type="checkbox"/> Midway Atoll</td> <td><input type="checkbox"/> North Dakota</td> <td><input type="checkbox"/> Utah</td> </tr> <tr> <td><input type="checkbox"/> Arizona</td> <td><input type="checkbox"/> Illinois</td> <td><input type="checkbox"/> Minnesota</td> <td><input type="checkbox"/> Northern Mariana Islands</td> <td><input type="checkbox"/> U.S. Virgin Islands</td> </tr> <tr> <td><input type="checkbox"/> Arkansas</td> <td><input type="checkbox"/> Indiana</td> <td><input type="checkbox"/> Mississippi</td> <td><input type="checkbox"/> Ohio</td> <td><input type="checkbox"/> Vermont</td> </tr> <tr> <td><input type="checkbox"/> California</td> <td><input type="checkbox"/> Iowa</td> <td><input type="checkbox"/> Missouri</td> <td><input type="checkbox"/> Oklahoma</td> <td><input type="checkbox"/> Virginia</td> </tr> <tr> <td><input type="checkbox"/> Colorado</td> <td><input type="checkbox"/> Johnston Atoll</td> <td><input type="checkbox"/> Montana</td> <td><input type="checkbox"/> Oregon</td> <td><input type="checkbox"/> Wake Island</td> </tr> <tr> <td><input type="checkbox"/> Connecticut</td> <td><input type="checkbox"/> Kansas</td> <td><input type="checkbox"/> Nebraska</td> <td><input type="checkbox"/> Pennsylvania</td> <td><input type="checkbox"/> Washington</td> </tr> <tr> <td><input type="checkbox"/> Delaware</td> <td><input type="checkbox"/> Kentucky</td> <td><input type="checkbox"/> Nevada</td> <td><input type="checkbox"/> Puerto Rico</td> <td><input type="checkbox"/> West Virginia</td> </tr> <tr> <td><input type="checkbox"/> District of Columbia</td> <td><input type="checkbox"/> Louisiana</td> <td><input type="checkbox"/> New Hampshire</td> <td><input type="checkbox"/> Rhode Island</td> <td><input type="checkbox"/> Wisconsin</td> </tr> <tr> <td><input type="checkbox"/> Florida</td> <td><input type="checkbox"/> Maine</td> <td><input type="checkbox"/> New Jersey</td> <td><input type="checkbox"/> South Carolina</td> <td><input type="checkbox"/> Wyoming</td> </tr> <tr> <td><input type="checkbox"/> Georgia</td> <td><input checked="" type="checkbox"/> Maryland</td> <td><input type="checkbox"/> New Mexico</td> <td><input type="checkbox"/> South Dakota</td> <td></td> </tr> </table>				<input type="checkbox"/> Alabama	<input type="checkbox"/> Guam	<input type="checkbox"/> Massachusetts	<input type="checkbox"/> New York	<input type="checkbox"/> Tennessee	<input type="checkbox"/> Alaska	<input type="checkbox"/> Hawaii	<input type="checkbox"/> Michigan	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Texas	<input type="checkbox"/> American Samoa	<input type="checkbox"/> Idaho	<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Utah	<input type="checkbox"/> Arizona	<input type="checkbox"/> Illinois	<input type="checkbox"/> Minnesota	<input type="checkbox"/> Northern Mariana Islands	<input type="checkbox"/> U.S. Virgin Islands	<input type="checkbox"/> Arkansas	<input type="checkbox"/> Indiana	<input type="checkbox"/> Mississippi	<input type="checkbox"/> Ohio	<input type="checkbox"/> Vermont	<input type="checkbox"/> California	<input type="checkbox"/> Iowa	<input type="checkbox"/> Missouri	<input type="checkbox"/> Oklahoma	<input type="checkbox"/> Virginia	<input type="checkbox"/> Colorado	<input type="checkbox"/> Johnston Atoll	<input type="checkbox"/> Montana	<input type="checkbox"/> Oregon	<input type="checkbox"/> Wake Island	<input type="checkbox"/> Connecticut	<input type="checkbox"/> Kansas	<input type="checkbox"/> Nebraska	<input type="checkbox"/> Pennsylvania	<input type="checkbox"/> Washington	<input type="checkbox"/> Delaware	<input type="checkbox"/> Kentucky	<input type="checkbox"/> Nevada	<input type="checkbox"/> Puerto Rico	<input type="checkbox"/> West Virginia	<input type="checkbox"/> District of Columbia	<input type="checkbox"/> Louisiana	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> Rhode Island	<input type="checkbox"/> Wisconsin	<input type="checkbox"/> Florida	<input type="checkbox"/> Maine	<input type="checkbox"/> New Jersey	<input type="checkbox"/> South Carolina	<input type="checkbox"/> Wyoming	<input type="checkbox"/> Georgia	<input checked="" type="checkbox"/> Maryland	<input type="checkbox"/> New Mexico	<input type="checkbox"/> South Dakota	
<input type="checkbox"/> Alabama	<input type="checkbox"/> Guam	<input type="checkbox"/> Massachusetts	<input type="checkbox"/> New York	<input type="checkbox"/> Tennessee																																																											
<input type="checkbox"/> Alaska	<input type="checkbox"/> Hawaii	<input type="checkbox"/> Michigan	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Texas																																																											
<input type="checkbox"/> American Samoa	<input type="checkbox"/> Idaho	<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Utah																																																											
<input type="checkbox"/> Arizona	<input type="checkbox"/> Illinois	<input type="checkbox"/> Minnesota	<input type="checkbox"/> Northern Mariana Islands	<input type="checkbox"/> U.S. Virgin Islands																																																											
<input type="checkbox"/> Arkansas	<input type="checkbox"/> Indiana	<input type="checkbox"/> Mississippi	<input type="checkbox"/> Ohio	<input type="checkbox"/> Vermont																																																											
<input type="checkbox"/> California	<input type="checkbox"/> Iowa	<input type="checkbox"/> Missouri	<input type="checkbox"/> Oklahoma	<input type="checkbox"/> Virginia																																																											
<input type="checkbox"/> Colorado	<input type="checkbox"/> Johnston Atoll	<input type="checkbox"/> Montana	<input type="checkbox"/> Oregon	<input type="checkbox"/> Wake Island																																																											
<input type="checkbox"/> Connecticut	<input type="checkbox"/> Kansas	<input type="checkbox"/> Nebraska	<input type="checkbox"/> Pennsylvania	<input type="checkbox"/> Washington																																																											
<input type="checkbox"/> Delaware	<input type="checkbox"/> Kentucky	<input type="checkbox"/> Nevada	<input type="checkbox"/> Puerto Rico	<input type="checkbox"/> West Virginia																																																											
<input type="checkbox"/> District of Columbia	<input type="checkbox"/> Louisiana	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> Rhode Island	<input type="checkbox"/> Wisconsin																																																											
<input type="checkbox"/> Florida	<input type="checkbox"/> Maine	<input type="checkbox"/> New Jersey	<input type="checkbox"/> South Carolina	<input type="checkbox"/> Wyoming																																																											
<input type="checkbox"/> Georgia	<input checked="" type="checkbox"/> Maryland	<input type="checkbox"/> New Mexico	<input type="checkbox"/> South Dakota																																																												

228 Year and month filer first provided (or expects to provide) telecommunications in the U.S. ☐ Check if prior to 1/1/1999, otherwise Year 2007 Month 01

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

FCC Form 499-A

February 2008



## 2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Page 4

## Block 3: Carrier's Carrier Revenue Information

301	Filer 499 ID [from Line 101]	826459				
302	Legal name of reporting entity [from Line 102]	Global & Touch, LLC				
Report billed revenues for January 1 through December 31, 2007. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.		Total Revenues	If breakouts are not book amounts, enter whole percentage estimates		Breakouts	
		(a)	Interstate (b)	International (c)	Interstate Revenues (d)	International Revenues (e)
See instructions regarding percent interstate & international.						
Revenues from Services Provided for Resale as Telecommunications by Other Contributors to Federal Universal Service Support Mechanisms						
<u>Fixed local service</u>						
Monthly service, local calling, connection charges, vertical features, and other local exchange service including subscriber line and PICC charges to IXCs						
303.1	Provided as unbundled network elements (UNEs)	-0-			0	-0-
303.2	Provided under other arrangements					
<u>Per-minute charges for originating or terminating calls</u>						(calling and calls)
304.1	Provided under state or federal access tariff	86,569.-			0	86,569.-
304.2	Provided as unbundled network elements or other contract arrangement					
<u>Local private line &amp; special access service</u>						
305.1	Provided to other contributors for resale as telecommunications					
305.2	Provided to other contributors for resale as interconnected VoIP					
306	Payphone compensation from toll carriers	0			0	
307	Other local telecommunications service revenues					
308	Universal service support revenues received from Federal or state sources					
<u>Mobile services (including wireless telephony, paging &amp; messaging, and other mobile services)</u>						
309	Monthly, activation, and message charges except toll	0			0	0
<u>Toll services</u>						
310	Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.)	0			0	0
311	Ordinary long distance (direct-dialed MTS, customer toll-free (800/888 etc.) service, "10-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)	0			0	0
312	Long distance private line services	0			0	0
313	Satellite services	0			0	0
314	All other long distance services	0			0	0
315	Total revenues provided for resale [Lines 303 through 314]	86,569.-			0	86,569.-

Note: As stated in the instructions, for all revenues reported on this page, you must retain the Filer 499 ID and contact information for the associated customers. You must verify that each of these customers was a direct contributor to the federal universal service support mechanism for calendar year 2007 and that the customer is purchasing service for resale as telecommunications. These records must be made available to the administrator or the FCC upon request. The FCC website contains information on federal universal service contributors. (See instructions.)

©

\*

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>FCC Form 499-A  
February 2008

**2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)**

Page 5

**Block 4-A: End-User and Non-Telecommunications Revenue Information**

401	Filer 499 ID [from Line 101]	826459			
402	Legal name of reporting entity [from Line 102]	Global 1 Touch, LLC			
Report billed revenues for January 1 through December 31, 2007. Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars. See instructions regarding percent interstate & international.		Total Revenues	If breakouts are not book amounts, enter whole percentage estimates		Breakouts
		(a)	Interstate (b)	International (c)	Interstate Revenues (d) International Revenues (e)
<b>Revenues from All Other Sources (end-user telecom. &amp; non-telecom.)</b>					
403	Surcharges or other amounts on bills identified as recovering State or Federal universal service contributions	0			0 0
<u>Fixed local services</u>					
Monthly service, local calling, connection charges, vertical features, and other local exchange service charges except for federally tariffed subscriber line charges and PICC charges		0			0 0
<u>traditional circuit switched</u>					
404.1	Provided at a flat rate including interstate toll service – local portion				
404.2	Provided at a flat rate including interstate toll service – toll portion	0			0 0
404.3	Provided without interstate toll included (see instructions)	0			0 0
<u>interconnected VoIP</u>					
404.4	Offered in conjunction with a broadband connection	0			0 0
404.5	Offered independent of a broadband connection	0			0 0
405	Tariffed subscriber line charges and PICC charges levied by a local exchange carrier on a no-PIC customer	0			0 0
406	Local private line & special access service [includes the transmission portion of wireline broadband Internet access provided on a common carrier basis.]	0			0 0
407	Payphone coin revenues (local and long distance)	0			0 0
408	Other local telecommunications service revenues	0			0 0
<u>Mobile services (including wireless telephony, paging &amp; messaging, and other mobile services)</u>					
409	Monthly and activation charges	0			0 0
410	Message charges including roaming and air-time charges for toll calls, but excluding separately stated toll charges	0			0 0

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

 FCC Form 499-A  
February 2008

2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Page 6

Block 4-A: Continued

	Total Revenues (a)	If breakouts are not book amounts, enter whole percentage estimates		Breakouts	
		Interstate	International	Interstate Revenues (d)	International Revenues (e)
<i>1 line 91</i> <i>30%</i> <b>Toll services</b>					
411 Prepaid calling card (including card sales to customers and non-carrier distributors) reported at face value of cards	86,569			-	86,569
412 International calls that both originate and terminate in foreign points	48,968 -	0%	100%	-	
413 Operator and toll calls with alternative billing arrangements (credit card, collect, international call-back, etc.) other than revenues reported on Line 412	0			0	0
Ordinary long distance (direct-dialed MTS, customer toll-free (800/888 etc.) service, *10-10 calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above)					
414.1 All, other than interconnected VoIP, including, but not limited to, itemized toll on wireline and wireless bills	0			0	0
414.2 All interconnected VoIP long distance, including, but not limited to, itemized toll	0			0	0
415 Long distance private line services	0			0	0
416 Satellite services	0			0	0
417 All other long distance services	0			0	0
Revenues other than U.S. telecommunications revenues, including information services, inside wiring maintenance, billing and collection customer premises equipment, published directory, dark fiber, Internet access, cable TV program transmission, foreign carrier operations, and non-telecommunications revenues. (See Instructions.)					
418.1 bundled with circuit switched local exchange service	0			0	0
418.2 bundled with interconnected VoIP local exchange service					
418.3 other					

Block 4-B: Total Revenue and Uncollectible Revenue Information

419 Gross billed revenues from all sources (incl. reseller & non-telecom.) [Lines 303 through 314 plus Lines 403 through 418]	85,569 -			-	86,569
420 Gross universal service contribution base amounts [Lines 403 through 411 Lines 413 through 417] See Figure 4 in instructions.	0				
421 Uncollectible revenue/bad debt expense associated with gross billed revenues amounts shown on Line 419 [See Instructions Page 26]	0				
422 Uncollectible revenue/bad debt expense associated with universal service contribution base amounts shown on Line 420	0				
423 Net universal service contribution base revenues [Line 420 minus line 422]	0				

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

FCC Form 499-A  
February 2008

2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Page 7

Block 5: Additional Revenue Breakouts

501 Filer 499 ID [from Line 101]

826959

502 Legal name of reporting entity [from Line 102]

Global 1 Touch, LLC

Filers that report revenues in Block 3 and Block 4 must provide the percentages requested in Lines 503 through 510.

See page 27 of instructions for limited exceptions.

Percentage of revenues reported in Block 3 and Block 4 billed in each region of the country. Round or estimate to nearest whole percentage. Enter 0 if no service was provided in the region.

		Block 3 Carrier's Carrier (a)	Block 4 End-User Telecom. (b)
503 Southeast:	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	%	%
504 Western:	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming	%	%
505 West Coast:	California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.	%	%
506 Mid-Atlantic:	Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	%	%
507 Mid-West:	Illinois, Indiana, Michigan, Ohio, and Wisconsin	%	%
508 Northeast:	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont	%	%
509 Southwest:	Arkansas, Kansas, Missouri, Oklahoma, and Texas	%	%
510 Total	[Percentages must add to 0 or 100.]	%	%

511 Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4-B, Line 420 but may be excluded from a filer's TRS, NANPA, LNP, and FCC interstate telephone service provider regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below. As stated in the instructions, you must have in your records the FCC Filer 499 ID for each customer whose revenues are included on Line 511. (See instructions.)

12<0

	(a) Total Revenues	(b) Interstate and International
Revenues from resellers that do not contribute to Universal Service	\$ - 0 -	\$ - 0 -

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

FCC Form 499-A

February 2008

12<0

11

11=9

11

12<0

## 2008 FCC Form 499-A Telecommunications Reporting Worksheet (Reporting Calendar 2007 Revenues)

Page 8

## Block 6: CERTIFICATION: to be signed by an officer of the filer

601 Filer 499 ID (from Line 101)

826 459

602 Legal name of reporting entity (from Line 102)

Global 1 Touch LLC

Section IV of the instructions provides information on which types of reporting entities are required to file for which purposes. Any entity claiming to be exempt from one or more contribution requirements should so certify below and attach an explanation. [The Universal Service Administrator will determine which entities meet the *de minimis* threshold based on information provided in Block 4, even if you fail to so certify, below.]

603 I certify that the reporting entity is exempt from contributing to:

Universal Service ☒TRS ☐NANPA ☐LNP Administration ☐

Provide explanation below:

de minimis

604 Please indicate whether the reporting entity is

State or Local Government Entity ☐I.R.C. § 501 Tax Exempt ☐

605 I certify that the revenue data contained herein are privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to Sections 0.459, 52.17, 54.711 and 64.604 of the Commission's Rules. ☒

I certify that I am an officer of the above-named reporting entity as defined on page 33 of the instructions, that I have examined the foregoing report and, to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the previous calendar year. In addition, I swear, under penalty of perjury, that all requested identification registration information has been provided and is accurate. If the above-named reporting entity is filing on a consolidated basis, I certify that this filing incorporates all of the revenues for the consolidated entities for the entire year and that the filer adhered to and continues to meet the conditions set forth in Section II-B of the instructions.

606 Signature

607 Printed name of officer

First

Nnam

MI

Last

Coomba

608 Position with reporting entity

CEO

609 Business telephone number of officer

(201) - 941 1910 ext -

610 Email of officer || Required if available -- not for public release ||

Nnam Coomba@global1touch.com

611 Date

7/20/08

612 Check those that apply:



Original April 1 filing for year



New filer, registration only



Revised filing with updated registration



Revised filing with updated revenue data

Do not mail checks with this form. Send this form to: Form 499 Data Collection Agent c/o USAC 2000 L Street, N.W. Suite 200 Washington DC, 20036

For additional information regarding this worksheet contact: Telecommunications Reporting Worksheet Information: (888) 641-8722 or via email: Form499@universalservice.org

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

Save time, avoid problems -- file electronically at

<http://forms.universalservice.org>

FCC Form 499-A  
February 2008

**ATTACHMENT 3**

Copy of 2008 CPNI Certification of Compliance filed in Docket 06-36

**2008 Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2007**

**Date Filed:** September 16, 2008

**Name of Company  
Covered by this Certification:** Global 1 Touch, LLC

**Form 499 Filer ID:** 826459

**Name of Signatory:** Nisso Bedolach

**Title of Signatory:** CEO/VP

I, Nisso Bedolach, certify that I am VP of Global 1 Touch, LLC ("GOT"). I attest that, as an officer of GOT, I am authorized to execute this CPNI Compliance Certification on the company's behalf.

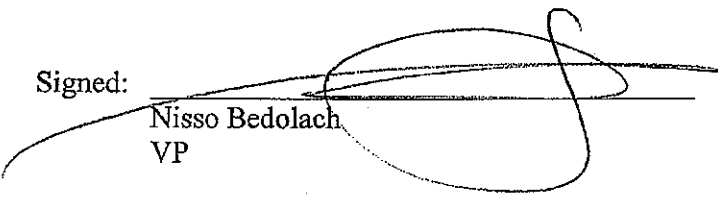
I have personal knowledge that GOT's business methods and the procedures adopted and employed by GOT are adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act"), and the Federal Communications Commission's regulations implementing Section 222 of the Act, 47 C.F.R. § 64.2005, 64.2007 and 64.2009.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The company has no information to report with respect to the processes pretexters are using to attempt to access CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed:

Nisso Bedolach  
VP



**2008 Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2007**

**Date Filed:** September 16, 2008

**Name of Company**  
**Covered by this Certification:** Global 1 Touch, LLC

**Form 499 Filer ID:** 826459

**Name of Signatory:** Nurit Coombe

**Title of Signatory:** CEO

I, Nurit Coombe, certify that I am CEO of Global 1 Touch, LLC ("GOT"). I attest that, as an officer of GOT, I am authorized to execute this CPNI Compliance Certification on the company's behalf.

I have personal knowledge that GOT's business methods and the procedures adopted and employed by GOT are adequate to ensure compliance with Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act"), and the Federal Communications Commission's regulations implementing Section 222 of the Act, 47 C.F.R. § 64.2005, 64.2007 and 64.2009.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The company has no information to report with respect to the processes pretexters are using to attempt to access CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed: \_\_\_\_\_

Nurit Coombe  
CEO



**Accompanying Statement to  
2008 Annual 47 C.F.R. § 64.2009(e) CPNI Certification for 2007**

To the extent Global 1 Touch, LLC receives or obtains access to CPNI, it has implemented the following practices and procedures with respect to the use, marketing, and disclosure of such CPNI:

**Employee Training and Discipline**

- Train all employees and personnel as to when they are and are not authorized to use CPNI.
- Institute an express disciplinary process for unauthorized use of CPNI.

**Sales and Marketing Campaign Approval**

- Guarantee that all sales and marketing campaigns are approved by management.

**Record-Keeping Requirements**

- Establish a system to maintain a record of all sales and marketing campaigns that use their customers' CPNI, including marketing campaigns of affiliates and independent contractors.
- Ensure that these records include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign.
- Make certain that these records are maintained for a minimum of one (1) year.

**Establishment of a Supervisory Review Process**

- Establish a supervisory review process for all outbound marketing situations.
- Certify that under this review process, all sales personnel obtain supervisory approval of any proposed outbound marketing request for customer approval.

**Opt-In**

- Guarantee that the Company only discloses CPNI to agents, affiliates, joint venture partners, independent contractors or to any other third parties only after receiving "opt-in" approval from a customer.
- Verify that the Company enters into confidential agreements with joint venture partners, independent contractors or any other third party when releasing CPNI.

**Opt-Out Mechanism Failure**

- Establish a protocol through which the Company will provide the FCC with written notice within five (5) business days of any instance where opt-out mechanisms do not

work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

#### Compliance Certificates

- Execute a statement, signed by an officer, certifying that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the FCC's CPNI regulations.
- Execute a statement detailing how operating procedures ensure compliance with CPNI regulations.
- Execute a summary of all customer complaints received in the past year concerning unauthorized release of CPNI.

#### Customer Authentication Methods

- Institute customer authentication methods to ensure adequate protection of customers' CPNI. These protections only allow CPNI disclosure in accordance with the following methods:
  - Disclosure of CPNI information in response to a customer providing a pre-established password;
  - Disclosure of requested CPNI to the customer's address or phone number of record; and
  - Access to CPNI if a customer presents a valid photo ID at the carrier's retail location.

#### Customer Notification of CPNI Changes

- Establish a system under which a customer is notified of any change to CPNI. This system, at minimum, notifies a customer of CPNI access in the following circumstances:
  - password modification,
  - a response to a carrier-designed back-up means of authentication,
  - online account changes, or
  - address of record change or creation.

#### Notification to Law Enforcement and Customers of Unauthorized Access

- Establish a protocol under which the appropriate Law Enforcement Agency ("LEA") is notified of any unauthorized access to a customer's CPNI.
- Ensure that all records of any discovered CPNI breaches are kept for a minimum of two (2) years.

Exhibit B

Global 1 Touch Financial Documentation

[REDACTED – PROVIDED TO  
THE ENFORCEMENT BUREAU UNDER SEAL  
IN “CONFIDENTIAL” VERSION ONLY]

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	File No. EB-08-TC-4011
	)	
Global1Touch, LLC	)	NAL/Acct. No. 200932170420
	)	
Apparent Liability for Forfeiture	)	FRN No. 0018509190
_____	)	

AFFIDAVIT OF

State of Maryland )  
County of Montgomery )

I, May N Boddach, being duly sworn according to law, depose and say that I am Manager of Global1Touch, LLC ("GOT"); that I have personal knowledge of the facts and circumstances in this matter; that the facts set forth in the foregoing Response of to Omnibus Notice of Apparent Liability for Forfeiture ("Response") are true and correct to the best of my knowledge, information and belief; and that the financial documentation set forth in Exhibit B to the NAL Response is correct to the best of my knowledge, information and belief.

Juhak Lee

Subscribed and sworn before me this 23 day of March, 2009.



JUHAK LEE  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
MARYLAND  
MY COMMISSION EXPIRES JUNE 9, 2010